

HOUSE BILL NO. 4102

February 03, 2021, Introduced by Reps. Fink, Glenn, Whitsett, Beson, Whiteford, Calley, Kahle, Brabec, Rendon, Paquette, Bollin, Wozniak, Lasinski, Clemente, Camilleri, Hammoud, Yancey, Hope, Thanedar, Anthony, Puri, Bolden, Stone, Allor and Jones and referred to the Committee on Judiciary.

A bill to amend 1996 IL 1, entitled
"Michigan Gaming Control and Revenue Act,"
by amending section 7c (MCL 432.207c), as amended by 2019 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 7c. (1) Each local labor organization that directly
- 2 represents casino gaming employees shall register with the board
- 3 biennially and provide all of the following:
- 4 (a) The local labor organization's name, address, and
- 5 telephone number.

1 (b) The name and address of any international labor
2 organization with which it directly or indirectly maintains an
3 affiliation or relationship.

4 (c) All of the following information for the designated
5 individuals and other personnel of the local labor organization:

6 (i) The individual's full name and any known alias or nickname.

7 (ii) The individual's business address and telephone number.

8 (iii) The individual's title or other designation in the local
9 labor organization.

10 (iv) Unless information is required under subdivision (d)(v), a
11 brief description of the individual's duties and activities.

12 (v) The individual's annual compensation, including salary,
13 allowances, reimbursed expenses, and other direct or indirect
14 disbursements.

15 (d) All of the following additional information for each
16 designated individual of the local labor organization:

17 (i) The individual's home address and telephone number.

18 (ii) The individual's date and place of birth.

19 (iii) The individual's Social Security number.

20 (iv) The date he or she was hired by or first consulted with or
21 advised the local labor organization.

22 (v) A detailed description of all of the following:

23 (A) The individual's duties and activities.

24 (B) Whether he or she performed the same or similar activities
25 previously on a labor organization's behalf.

26 (C) The individual's prior employment or occupational history.

27 (vi) Excluding minor traffic offenses, a detailed description
28 of all of the following:

29 (A) The individual's convictions, including any conviction

1 that was expunged or set aside, sealed by court order, or for which
2 he or she received a pardon.

3 (B) Any criminal offense for which he or she was charged or
4 indicted but not convicted.

5 (vii) Whether he or she was ever denied a business, liquor,
6 gaming, or professional license or had a business, liquor, gaming,
7 or professional license revoked.

8 (viii) Whether a court or governmental agency determined the
9 individual unsuitable to be affiliated with a labor organization
10 and the details of that determination.

11 (ix) Whether the individual was ever subpoenaed as a witness
12 before a grand jury, legislative committee, administrative body,
13 crime commission, or similar agency and the details relating to
14 that subpoena.

15 (x) A photograph of the individual taken within the previous
16 60 days.

17 (xi) For the local labor organization's first filing, a
18 complete set of the individual's fingerprints.

19 (e) A written certification under oath by the local labor
20 organization president, secretary, treasurer, or chief official
21 that the information provided under this subsection is complete and
22 accurate. The board shall prescribe the form for this
23 certification.

24 (2) A local labor organization may satisfy the information
25 requirements of subsection (1) by providing to the board copies of
26 reports filed with the United States Department of Labor under the
27 labor management reporting and disclosure act of 1959, Public Law
28 86-257, supplemented by any required information not contained in
29 those reports.

1 (3) If information required under subsection (1) for a
2 designated individual changes after registration or if the local
3 labor organization gains a designated individual after
4 registration, the local labor organization shall provide the board
5 with that new information or the information, photograph, and
6 fingerprints required under subsection (1) for the new designated
7 individual within 21 days after the information changes.

8 (4) Notwithstanding section 4c, information provided by a
9 local labor organization to the board under this section is exempt
10 from disclosure under the freedom of information act, 1976 PA 442,
11 MCL 15.231 to 15.246.

12 (5) Upon finding by clear and convincing evidence that grounds
13 for disqualification under subsection (6) exist, the board may
14 disqualify an officer, agent, or principal employee of a local
15 labor organization registered or required to be registered under
16 this section from performing any of the following functions:

17 (a) Adjusting grievances for or negotiating or administering
18 the wages, hours, working conditions, or employment conditions of
19 casino gaming employees.

20 (b) Soliciting, collecting, or receiving from casino gaming
21 employees any dues, assessments, levies, fines, contributions, or
22 other charges within this state for or on behalf of the local labor
23 organization.

24 (c) Supervising, directing, or controlling other officers,
25 agents, or employees of the local labor organization in performing
26 functions described in subdivisions (a) and (b).

27 (6) An individual may be disqualified under subsection (5) for
28 lacking good moral character only if any of the following apply:

29 (a) He or she has been indicted or charged with, convicted of,

1 pled guilty or nolo contendere to, or forfeited bail in connection
2 with a crime involving gambling, theft, dishonesty, ~~prostitution,~~
3 **commercial sexual activity**, or fraud under the laws of this state,
4 any other state, or the United States or a local ordinance of a
5 political subdivision of this state or another state.

6 Disqualification must not be based only on crimes that involve
7 soliciting or engaging ~~prostitution~~ **commercial sexual activity**
8 services unless the individual is or has engaged in an ongoing
9 pattern of that behavior. If the grounds for disqualification are
10 criminal charges or indictment, at the individual's request, the
11 board shall defer making a decision on disqualification while the
12 charge or indictment is pending.

13 (b) He or she intentionally or knowingly made or caused to be
14 made a false or misleading statement in a document provided to the
15 board or its agents or orally to a board member or agent in
16 connection with an investigation.

17 (c) He or she engages in criminal or unlawful activities in an
18 occupational manner or context for economic gain, or is an
19 associate or member of a group of individuals who operate together
20 in that fashion, and this behavior creates a reasonable belief that
21 the behavior adversely affects gambling operations and the public
22 policy underlying this act. In making a determination under this
23 subdivision, the board may consider findings or identifications by
24 the attorney general or department of state police that an
25 individual is within this category.

26 (7) A designated individual shall report all information
27 described in subsection (6)(a) to (c) concerning him or her to the
28 local labor organization. A local labor organization shall report
29 all information described in subsection (6)(a) to (c) concerning

1 its designated individuals of which it has actual knowledge to the
2 board.

3 (8) The board may waive any disqualification criterion under
4 subsection (6) or may rescind a disqualification under subsection
5 (5), if doing so is consistent with the public policy of this act
6 and based on a finding that the interests of justice require that
7 waiver or rescission.

8 (9) The board shall give written notice to an individual it
9 proposes to disqualify and to the affected labor organization,
10 stating the reason for the proposed disqualification and describing
11 any supporting evidence in the board's possession. Within 30 days
12 after receiving the written notice of proposed disqualification,
13 the respondent may file with the board a written request for a
14 hearing, that must take place promptly. The board shall conduct the
15 hearing in conformity with the contested case procedures set forth
16 in the administrative procedures act of 1969, 1969 PA 306, MCL
17 24.201 to 24.328. A person aggrieved by a final disqualification
18 has the right to appeal to the circuit court for the county in
19 which the person resides or has his or her principal place of
20 business to have the disqualification set aside based on any ground
21 set forth in section 106 of the administrative procedures act of
22 1969, 1969 PA 306, MCL 24.306.

23 (10) Not later than January 31 of the calendar year after
24 disqualification and each year after that unless the
25 disqualification is rescinded or reversed, the disqualified
26 individual shall provide the board with a sworn statement that he
27 or she did not perform the functions described in subsection (5)
28 during the previous year.

29 (11) The board may petition the circuit court for the county

1 in which the disqualified individual resides or has his or her
2 principal place of business for an order enforcing the terms of the
3 disqualification.

4 (12) A local labor organization that is registered or required
5 to be registered under this section or any officer, agent, or
6 principal employee of that organization shall not personally hold
7 any financial interest in a casino licensee employing casino gaming
8 employees represented by the organization or person.

9 (13) This section does not prohibit a local labor organization
10 from conducting training for or operating a school to train casino
11 gaming employees, or from entering into an agreement or arrangement
12 with a casino licensee, supplier, or vendor to provide for the
13 training of casino gaming employees.

14 (14) This section does not deny, abridge, or limit in any way
15 the legitimate rights of casino gaming employees to form, join, or
16 assist labor organizations, to bargain collectively through
17 representatives of their own choosing, or to engage in other
18 concerted activities for the purpose of collective bargaining or
19 other mutual aid and protection or the free exercise of any other
20 rights they may have as employees under the laws of the United
21 States or this state.

22 (15) This section must not be expanded or amplified by action
23 of the board or any other executive or administrative body. The
24 board and any other executive or administrative body do not have
25 authority to promulgate interpretive rules or rulings to implement
26 this section. The board and any other executive or administrative
27 body do not have authority under this section to require that a
28 local labor organization or an officer, agent, or principal
29 employee of a labor organization does either of the following:

1 (a) Qualify for or obtain a casino, occupational, or
2 supplier's license or any other license or permit required under
3 rules promulgated by the board.

4 (b) Ensure the compliance of any person or entity with the
5 licensing requirements under this act or under rules promulgated by
6 the board.

7 (16) As used in this section:

8 (a) "Casino gaming employee" means the following and their
9 supervisors:

10 (i) Individuals involved in operating a casino gaming pit,
11 including dealers, shills, clerks, and hosts.

12 (ii) Individuals involved in handling money, including
13 cashiers, change persons, count teams, and coin wrappers.

14 (iii) Individuals involved in operating gambling games.

15 (iv) Individuals involved in operating and maintaining slot
16 machines, including mechanics, floorpersons, and change and payoff
17 persons.

18 (v) Individuals involved in security, including guards and
19 game observers.

20 (vi) Individuals with duties similar to those described in
21 subparagraphs (i) to (v). However, casino gaming employee does not
22 include an individual whose duties are related solely to nongaming
23 activities such as entertainment, hotel operation, maintenance, or
24 preparing or serving food and beverages.

25 (b) "Designated individual" means an officer, agent, principal
26 employee, or individual performing a function described in
27 subsection (5).

28 (17) This act does not preclude employees from exercising
29 their legal rights to organize themselves into collective

1 bargaining units.

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No.____ or House Bill No. 4112 (request no.
6 01304'21) of the 101st Legislature is enacted into law.