

Legislative Analysis



PROVIDE PUBLIC EMPLOYEE CONTACT INFORMATION TO BARGAINING REPRESENTATIVES

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Senate Bill 169 (S-2) as reported from House committee
Sponsor: Sen. John Cherry
House Committee: Labor
Senate Committee: Labor
Complete to 10-27-23

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 236 of 2023)

SUMMARY:

Senate Bill 169 would add a new section to the Public Employment Relations Act (PERA) that would require public employers to provide collective bargaining representatives with their employees' employment and contact information.

Within 30 days of hiring an employee, and every 90 days, a public employer would have to provide the following information for each employee to their bargaining representative:

- The employee's full name.
- The employee's department or agency and classification.
- The address of the employee's primary work location.
- The employee's home address.¹
- The employee's personal telephone number and email address.
- The employee's work email address.
- The employee's date of hire.
- The employee's identification number, if applicable.
- The employee's wage and full-time or part-time status.

Before a public employer enters into a collective bargaining agreement (CBA) that requires all employees in a bargaining unit to pay dues or fees,² it would have to inform each affected employee of its intention to enter into the agreement. If such a CBA is in place, the employer would have to inform any prospective employee that would be subject to the agreement before hiring them, even if the agreement has not yet taken effect.

Proposed MCL 423.211a

¹ If the employee is a participant in the Address Confidentiality Program and their home address is confidential under the Address Confidentiality Program Act, the employer would instead be required to provide the employee's designated address at which the Department of Technology, Management, and Budget receives mail to forward to the employee.

² In 2018, the United States Supreme Court ruled in *Janus v AFSCME* that requiring public employees to pay fees to cover union costs is a violation of the First Amendment. Any agreement that requires public employees to pay dues or service fees is currently unenforceable because of the *Janus* ruling, but PERA provides that such an agreement would become effective upon a ruling that overturns or limits *Janus* or upon the ratification of an applicable amendment to the United States Constitution. For more on Michigan's preemptive repeal of this "Right to Work" policy, see Public Act 9 of 2023: <http://www.legislature.mi.gov/documents/2023-2024/billanalysis/House/pdf/2023-HLA-4004-FD01D433.pdf>.

BRIEF DISCUSSION:

Supporters of the bill argue that providing this information would make it easier for local union representatives to contact new employees and notify the employees they are obligated to represent of their rights and representation. Having access to this information is particularly important when several unions represent one workplace, and employees may not know which one they belong to.

Those opposing the bill, however, raised concerns that it would result in employees having their personal information shared with union representatives without their consent. Instead, employees should have to sign off on the sharing of their contact information, which would also provide an opportunity for the employee to verify the information and choose their preferred method of contact.

FISCAL IMPACT:

The bill would have no fiscal impact to the state or to local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bill (10-19-23):

- AFSCME Council 25
- SEIU Local 517M

The following entities indicated support for the bill (10-19-23):

- Michigan AFL-CIO
- Michigan Education Association
- Michigan Nurses Association
- Police Officers Association of Michigan
- SEIU Michigan

A representative of the Michigan Association of School Boards testified in opposition to the bill. (10-19-23)

The following entities indicated opposition to the bill (10-19-23):

- Mackinac Center for Public Policy
- Michigan Alliance for Student Opportunity
- Michigan Association for Superintendents and Administrators

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.