



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 169 (as enacted)  
Sponsor: Senator John Cherry  
Senate Committee: Labor  
House Committee: Labor

**PUBLIC ACT 236 of 2023**

Date Completed: 1-18-24

**RATIONALE**

Some people believe collective bargaining representatives have trouble communicating effectively with employees that they represent because of out-of-date employment and contact information. According to testimony before the Senate Committee on Labor, up-to-date employment and contact information ensures unions can meet their legal obligations to certain members and that contracts are followed. Unions often have a limited time window in which they can contact employees that they represent, such as break or lunch hours at work, making it important that these employees can be reliably contacted. Accordingly, it was suggested that public employers be required to regularly provide specified information of public employees to labor organizations that represent the employees.

**CONTENT**

**The bill adds Section 11a to the public employment relations Act to require a public employer to provide specified employment and contact information of public employees to the labor organization responsible for representing the public employees in collective bargaining agreements, except in cases where a public employee's address is a confidential address. It also requires a public employer to inform an affected public employee before entering into a collective bargaining agreement; if the employer has already entered into a collective bargaining agreement, the employer must inform a prospective employee who will be affected by such an agreement.**

The bill will take effect on February 13, 2024.

The Act requires that each unit of public employees votes (by majority) for a labor organization to represent them in collective bargaining disputes and agreements (referred to as a 'representative'). The representative has exclusive rights to represent the public employees in respect to rates of pay, wages, and hours of employment, among other conditions of employment.

Specifically, under the bill, a public employer must share with the appropriate representative the following information about each employee, within 30 days of hiring an employee and every 90 days:

- First, middle, and last name.
- Department or agency.
- Classification.
- Address of primary work location.
- Home address; however, if the public employee's home address is a confidential address, the public employer will instead provide the individual's designated address.
- Personal telephone number.

- Personal e-mail address.
- Work e-mail address.
- Date of hire.
- Employee identification number, if applicable.
- Full-time or part-time employment status.
- Wage.

As used above, "confidential address" means that term as defined in Section 3 of the Address Confidentiality Program Act: the address of an Address Confidentiality Program participant's residence, as specified on an application to be a Program participant or on a notice of change of information that is classified confidential by the Department of the Attorney General.

"Designated address" means the mailing address at which the Department of Technology, Management, and Budget receives mail to forward to Program participants.

Under the bill, before a public employer enters into a collective bargaining agreement with a bargaining representative, the public employer must inform each of its public employees to whom the agreement will apply that the public employer intends to enter into the agreement. If a public employer has entered into a collective bargaining agreement that is in effect or has yet to take effect, the public employer will have to inform the individual that the public employer has entered into the agreement before the public employer hires the individual as a public employee to whom the agreement will apply.

Proposed MCL 423.211a

### **PREVIOUS LEGISLATION**

*(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)*

The bill is a reintroduction of Senate Bill 899 from the 2021-2022 Legislative Session.

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Employers should not have a monopoly on an employee's up-to-date contact information because unions have a duty to make sure contracts are being followed. According to testimony before the Senate Committee on Labor, up-to-date contact information is important because administrators don't always follow contract stipulations meant to improve workplace safety and the value of employees' work. Unions should be able to call their members to be notified when a contract isn't being followed so that they may hold the employer accountable.

#### **Opposing Argument**

Public employees should not have to give their contact information out involuntarily. The bill's requirements may allow union leaders to attempt to recruit and harass public employees who are not yet members of their public-sector union every three months. Reportedly, in a 2007 congressional hearing, a former United Steelworkers union organizer testified that he was instructed to threaten migrant workers with being reported to immigration officials if they refused to support the union. That same organizer described other aggressive union tactics, such as making multiple visits to employees' homes to frustrate them or cause them to fear for their safety. In addition, the regular release of contact information may break down the barrier of privacy between public employees who have chosen to not be members of the union and union management. This may be abused by a bad actor with access to the public employees' contact information. The bill should have allowed employees to opt-out of

information sharing, and it should have included safeguards to make certain that current contact information isn't misused.

**Response:** According to testimony before the Senate Committee on Labor, current statute offers safeguards to ensure that contact information isn't misused. For example, restraint or coercion by a union is illegal and includes threats to retaliate against employees who will not join the union or threats to the employees if they refuse to support union activities.<sup>1</sup>

Legislative Analyst: Alex Krabill

### **FISCAL IMPACT**

The bill will have an indeterminate but likely minor cost to the State and local units of government. The additional reporting cost will apply only if the State or local unit of government does not currently report new or existing employees to their representatives. Local units of government include counties, cities, villages, townships, intermediate school districts, and school districts.

Fiscal Analyst: Ryan Bergan  
Bobby Canell  
Joe Carrasco, Jr.  
Cory Savino, PhD

---

<sup>1</sup> Michigan Employment Relations Commission, *Guide to Public Sector Labor Relations Law in Michigan*, Pg. 18, December 2013

SAS\S2324\s169ea

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.