

PUBLIC EMPLOYMENT RELATIONS (EXCERPT)

Act 336 of 1947

423.206 Public employee; conduct considered to be on strike; proceeding to determine violation of act; time; decision; review; applicability of subsection (2) to penalty imposed under MCL 423.202a.

Sec. 6. (1) Notwithstanding the provisions of any other law, a public employee who, by concerted action with others and without the lawful approval of his or her superior, willfully absents himself or herself from his or her position, or abstains in whole or in part from the full, faithful and proper performance of his or her duties for the purpose of inducing, influencing or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment, or a public employee employed by a public school employer who engages in an action described in this subsection for the purpose of protesting or responding to an act alleged or determined to be an unfair labor practice committed by the public school employer, shall be considered to be on strike.

(2) Before a public employer may discipline or discharge a public employee for engaging in a strike, the public employee, upon request, is entitled to a determination under this section as to whether he or she violated this act. The request shall be filed in writing, with the officer or body having power to remove or discipline the employee, within 10 days after regular compensation of the employee has ceased or other discipline has been imposed. If a request is filed, the officer or body, within 5 days after receipt of the request, shall commence a proceeding for the determination of whether the public employee has violated this act. The proceedings shall be held in accordance with the law and regulations appropriate to a proceeding to remove the public employee and shall be held without unnecessary delay. The decision of the officer or body shall be made within 2 days after the conclusion of the proceeding. If the employee involved is found to have violated this act and his or her employment is terminated or other discipline is imposed, the employee has the right of review to the circuit court having jurisdiction of the parties, within 30 days from the date of the decision, for a determination as to whether the decision is supported by competent, material, and substantial evidence on the whole record. A public employer may consolidate employee hearings under this subsection unless the employee demonstrates manifest injustice from the consolidation. This subsection does not apply to a penalty imposed under section 2a.

History: 1947, Act 336, Eff. Oct. 11, 1947;—CL 1948, 423.206;—Am. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1994, Act 112, Eff. Mar. 30, 1995;—Am. 2016, Act 194, Eff. Sept. 19, 2016.

Popular name: Public Employment Relations