

EMPLOYMENT RELATIONS COMMISSION (EXCERPT)
Act 176 of 1939

423.9a Election in case of impending strike; conduct and supervision; time; persons entitled to vote; secret ballot; place; rules; absentee voting; hearing on eligibility to vote; determination.

Sec. 9a. If it becomes apparent to the commission that there is no reasonable probability of settlement of a labor dispute by mediation and that further efforts to that end would be without avail, there shall be held in the case of an impending strike, an election upon such issue which election shall be conducted and supervised by the commission, or by its duly authorized representative. If either party to the dispute notifies the commission in writing, a copy of which shall at the same time be served on the other party, that, in the opinion of such party, further efforts to settle the dispute by mediation would be without avail, the commission may cause an election to be held within 10 days after the receipt of the notice unless it is not practicable to hold the election within that period, in which event the election shall be held within 20 days after receipt of the notice. Every employee in the bargaining unit, which is involved in the dispute, as that bargaining unit is determined under section 9e or as recognized by the employer or as identified by contract or past practice, shall be entitled to vote in the election. The election shall be by secret ballot, and shall be held on the premises where those voting are employed unless the commission shall determine that the election cannot be fairly held there, in which case it shall be held at such place as the commission shall determine. The commission may promulgate rules as necessary to effectively conduct any election, including provisions for absentee voting. The provisions shall facilitate voting by all employees, and shall insure secrecy of the ballot. The commission may determine after proper hearing any disputed issue concerning the eligibility of a person or persons to vote in the election. The hearing may be held either before or after an election and may be conducted by an authorized representative of the commission. A determination with respect to eligibility shall be applicable in the administration of this section, but shall not have force and effect for any other purpose under this act.

History: 1939, Act 176, Imd. Eff. June 8, 1939;—Am. 1947, Act 318, Eff. Oct. 11, 1947;—CL 1948, 423.9a;—Am. 1949, Act 230, Imd. Eff. May 31, 1949;—Am. 1976, Act 17, Imd. Eff. Feb. 20, 1976;—Am. 1978, Act 250, Imd. Eff. June 20, 1978.

Administrative rules: R 423.101 et seq. of the Michigan Administrative Code.