

SENATE BILL No. 398

April 19, 2001, Introduced by Senators STEIL, SHUGARS, STILLE and MC MANUS and referred to the Committee on Human Resources and Labor.

A bill to provide that the right of persons to work shall not be denied for certain reasons; to prescribe the powers and duties of employers, labor organizations, and certain other persons with respect thereto; and to prescribe penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan right to work law".

3 Sec. 2. As used in this act:

4 (a) "Employee" means an individual who performs a service
5 for wages or other remuneration under a contract of hire, written
6 or oral, express or implied. Employee includes an individual
7 employed by this state or a political subdivision of this state
8 except a state classified civil service employee.

1 (b) "Employer" means a person who has 1 or more employees.
2 Employer includes an agent of an employer and this state or a
3 political subdivision of this state.

4 (c) "Labor organization" means:

5 (i) An organization of any kind or an agency or employee
6 representation committee, group, association, or plan in which
7 employees participate and that exists for the purpose, in whole
8 or in part, of dealing with employers concerning grievances,
9 labor disputes, wages, rates of pay, hours of work, or other
10 terms or conditions of employment.

11 (ii) A conference, general committee, joint or system board,
12 or joint council that is subordinate to a national or interna-
13 tional labor organization.

14 (iii) An agent of a labor organization.

15 (d) "Person" means an individual, sole proprietorship, part-
16 nership, corporation, association, labor organization, or any
17 other legal entity.

18 Sec. 3. An employer shall not require a person as a condi-
19 tion of employment or of continued employment to do any of the
20 following:

21 (a) Resign or refrain from voluntary membership in, volun-
22 tary affiliation with, or voluntary financial support of a labor
23 organization.

24 (b) Become or remain a member of a labor organization.

25 (c) Pay any dues, fees, assessments, or other charges of any
26 kind or amount to a labor organization.

1 (d) Pay to a charitable organization or other third party,
2 instead of the payments described in subdivision (c), an amount
3 equal to or a pro rata portion of dues, fees, assessments, or
4 other charges regularly required of members of a labor
5 organization.

6 (e) Be recommended, approved, referred, or cleared by or
7 through a labor organization.

8 Sec. 4. An employer, employee, other person, or labor
9 organization shall not:

10 (a) Compel or attempt to compel an employee or prospective
11 employee to join, affiliate with, or financially support a labor
12 organization, to refrain from doing so, or to otherwise forfeit
13 his or her rights guaranteed by this act by any threatened or
14 actual intimidation of the employee or prospective employee, his
15 or her parent, spouse, child, grandchild, or any other person
16 residing in his or her home, or by any threatened or actual
17 damage to his or her property.

18 (b) Cause or attempt to cause the discharge from employment
19 of an employee or the denial of employment or of certain jobs or
20 positions to an employee or prospective employee, as applicable,
21 because of support or nonsupport of a labor organization by
22 inducing or attempting to induce an employee to refuse to work
23 with the employee or prospective employee.

24 (c) Deduct from an employee's wages, earnings, or compensa-
25 tion any union dues, fee assessment, or other charges to be held
26 for, transferred to, or paid over to a labor organization, unless
27 the employee has presented, and the employer has received, a

1 signed written authorization for that deduction. An employee may
2 revoke an authorization under this section at any time by giving
3 written notice of that revocation to his or her employer.

4 Sec. 5. (1) An agreement, understanding, or practice, writ-
5 ten or oral, express or implied, between an employer and a labor
6 organization that violates this act is void.

7 (2) A strike, picket, boycott, or other action conducted by
8 employees or a labor organization for the purpose of inducing or
9 attempting to induce an employer to enter into an agreement pro-
10 hibited under this act is a violation of this act.

11 Sec. 6. A person who directly or indirectly violates this
12 act is guilty of a misdemeanor, punishable by imprisonment for
13 not more than 90 days, or a fine of not more than \$1,000.00, or
14 both. Each day of unlawful conduct constitutes a separate
15 offense.

16 Sec. 7. A person injured as a result of a violation or
17 threatened violation of this act is entitled to injunctive relief
18 against a violator or a person threatening a violation of this
19 act and, in addition, may recover all damages, including costs
20 and reasonable attorney fees, resulting from the violation or
21 threatened violation. This remedy is independent of and in addi-
22 tion to the penalty set forth in section 6.

23 Sec. 8. The attorney general or a prosecuting attorney of
24 the county in which a violation is alleged to have occurred or is
25 threatened to occur shall investigate each complaint of an
26 alleged or threatened violation of this act and shall initiate,
27 as necessary, an action to enforce this act.

1 Sec. 9. This act applies to a collective bargaining
2 agreement entered into after the effective date of this act and
3 to a renewal or extension of a collective bargaining agreement in
4 effect on the effective date of this act.

5 Enacting section 1. This act does not take effect unless
6 all of the following bills of the 91st Legislature are enacted
7 into law:

8 (a) Senate Bill No. 399.

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10 (b) Senate Bill No. 400.

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