

# HOUSE BILL No. 6349

July 21, 2010, Introduced by Rep. Meltzer and referred to the Committee on Labor.

A bill to amend 1947 PA 336, entitled

"An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,"

by amending section 10 (MCL 423.210).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 10. (1) ~~It shall be unlawful for a~~ A public employer or  
2 an officer or agent of a public employer **SHALL NOT DO ANY OF THE**  
3 **FOLLOWING:**

4           (a) ~~to interfere~~ **INTERFERE** with, restrain, or coerce public  
5 employees in the exercise of their rights guaranteed in section 9.

6           +

1           (b) ~~to initiate~~ **INITIATE**, create, dominate, contribute to, or  
2 interfere with the formation or administration of any labor  
3 organization. ~~Provided, That~~ **HOWEVER**, a public employer shall not  
4 be prohibited from permitting **MAY PERMIT** employees to confer with  
5 ~~it~~ **A LABOR ORGANIZATION** during working hours without loss of time  
6 or pay. ~~+~~

7           (c) ~~to discriminate~~ **DISCRIMINATE** in regard to hire, terms, or  
8 other conditions of employment ~~in order~~ to encourage or discourage  
9 membership in a labor organization. ~~Provided further, That~~  
10 nothing in this act or in any law of this state shall preclude a  
11 public employer from making an agreement with an exclusive  
12 bargaining representative as defined in section 11 to require as a  
13 condition of employment that all employees in the bargaining unit  
14 pay to the exclusive bargaining representative a service fee  
15 equivalent to the amount of dues uniformly required of members of  
16 the exclusive bargaining representative;

17           (d) ~~to discriminate~~ **DISCRIMINATE** against a public employee  
18 because he has given testimony **THE PUBLIC EMPLOYEE TESTIFIED** or  
19 instituted proceedings under this act. ~~+~~ ~~or~~

20           (e) ~~to refuse~~ **REFUSE** to bargain collectively with the  
21 representatives of its public employees, subject to the provisions  
22 of section 11.

23           **(F) REQUIRE AS A CONDITION OF HIRE OR CONTINUED EMPLOYMENT**  
24 **THAT AN EMPLOYEE PAY ANY SERVICE FEE TO A BARGAINING REPRESENTATIVE**  
25 **IF THE EMPLOYEE IS NOT A MEMBER OF THE BARGAINING REPRESENTATIVE.**

26 ~~—— (2) It is the purpose of this amendatory act to reaffirm the~~  
27 ~~continuing public policy of this state that the stability and~~

1 ~~effectiveness of labor relations in the public sector require, if~~  
 2 ~~such requirement is negotiated with the public employer, that all~~  
 3 ~~employees in the bargaining unit shall share fairly in the~~  
 4 ~~financial support of their exclusive bargaining representative by~~  
 5 ~~paying to the exclusive bargaining representative a service fee~~  
 6 ~~which may be equivalent to the amount of dues uniformly required of~~  
 7 ~~members of the exclusive bargaining representative.~~

8 (2) ~~(3) It shall be unlawful for a~~ A labor organization or its  
 9 agents **SHALL NOT DO ANY OF THE FOLLOWING:**

10 (a) ~~to restrain~~ **RESTRAIN** or coerce ~~:(i)~~ public employees in  
 11 the exercise of the rights guaranteed in section 9. ~~:+Provided,~~  
 12 ~~That~~ **HOWEVER**, this subdivision shall **DOES** not impair the right of a  
 13 labor organization to prescribe its own rules with respect to the  
 14 acquisition or retention of **ITS** membership. ~~therein; or (ii)~~

15 (B) **RESTRAIN OR COERCE** a public employer in the selection of  
 16 its representatives for the purposes of collective bargaining or  
 17 the adjustment of grievances. ~~;(b) to cause~~

18 (C) **CAUSE** or attempt to cause a public employer to  
 19 discriminate against a public employee in violation of ~~subdivision~~  
 20 ~~(c) of subsection (1); or (c) to refuse~~ **SUBSECTION (1) (C)** .

21 (D) **REFUSE** to bargain collectively with a public employer,  
 22 ~~provided~~ **IF** it is the representative of the public employer's  
 23 employees subject to section 11.

24 Enacting section 1. This amendatory act does not take effect  
 25 unless Senate Bill No. \_\_\_\_ or House Bill No. 6348 (request no.  
 26 07205'10) of the 95th Legislature is enacted into law.