

# HOUSE BILL No. 6565

November 10, 2010, Introduced by Rep. Roberts 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~~ **IT IS AN UNFAIR LABOR**  
2 **PRACTICE FOR A** public employer or an officer or agent of a public  
3 employer **TO DO ANY OF THE FOLLOWING:**

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

6           (b) ~~to initiate,~~ **INITIATE,** create, dominate, contribute to, or

1 interfere with the formation or administration of any labor  
2 organization,  ~~+ Provided, That~~ **EXCEPT THAT** a public employer shall  
3  ~~not be prohibited from permitting~~ **MAY PERMIT** employees to confer  
4 with it during working hours without loss of time or pay.†

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

15 (d)  ~~to discriminate~~ **DISCRIMINATE** against a public employee  
16 because he **OR SHE** has given testimony or instituted proceedings  
17 under this act.† ~~or~~

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

21 (2) It is the purpose of  ~~this amendatory act~~ **1973 PA 25** to  
22 reaffirm the continuing public policy of this state that the  
23 stability and effectiveness of labor relations in the public sector  
24 require, if  ~~such~~ **THE** requirement is negotiated with the public  
25 employer, that all employees in the bargaining unit shall share  
26 fairly in the financial support of their exclusive bargaining  
27 representative by paying to the exclusive bargaining representative

1 a service fee which may be equivalent to the amount of dues  
2 uniformly required of members of the exclusive bargaining  
3 representative.

4 (3) It ~~shall be unlawful~~ **IS AN UNFAIR LABOR PRACTICE** for a  
5 labor organization or its agents **TO DO ANY OF THE FOLLOWING:**

6 (a) ~~to restrain~~ **RESTRAIN** or coerce **ANY OF THE FOLLOWING:**

7 (i) ~~public~~ **PUBLIC** employees in the exercise of the rights  
8 guaranteed in section 9, ~~Provided, That~~ **EXCEPT THAT** this  
9 ~~subdivision shall~~ **SUBPARAGRAPH DOES** not impair the right of a labor  
10 organization to prescribe its own rules with respect to the  
11 acquisition or retention of membership. ~~therein, or~~

12 (ii) ~~a~~ **A** public employer in the selection of its  
13 representatives for the purposes of collective bargaining or the  
14 adjustment of grievances. ~~+~~

15 (b) ~~to cause~~ **CAUSE** or attempt to cause a public employer to  
16 discriminate against a public employee in violation of ~~subdivision~~  
17 ~~(c) of subsection (1), or~~ **SUBSECTION (1) (C)**.

18 (c) ~~to refuse~~ **REFUSE** to bargain collectively with a public  
19 employer, ~~provided it~~ **IF THE LABOR ORGANIZATION** is the  
20 representative of the public employer's employees subject to  
21 section 11.

22 (4) **IT IS A VIOLATION OF A PUBLIC EMPLOYER'S DUTY TO BARGAIN**  
23 **COLLECTIVELY AND AN UNFAIR LABOR PRACTICE TO MODIFY OR ELIMINATE**  
24 **ANY EXISTING TERM OR CONDITION OF EMPLOYMENT UNILATERALLY,**  
25 **INCLUDING, BUT NOT LIMITED TO, PROVISIONS REGARDING ARBITRATING**  
26 **GRIEVANCES AND DEDUCTING DUES OR SERVICE FEES, UNTIL THE PARTIES**  
27 **HAVE BARGAINED TO IMPASSE ON A COLLECTIVE BARGAINING AGREEMENT,**

- 1 REGARDLESS OF WHETHER ANY PRIOR AGREEMENT HAS EXPIRED OR IS
- 2 OTHERWISE TERMINATED.