

# HOUSE BILL No. 4454

March 13, 2007, Introduced by Reps. Hoogendyk, Steil, Agema, Palmer, Garfield, Knollenberg, Opsommer, Wenke, Sheen, Meltzer, Acciavatti, Meekhof and Amos and referred to the Committee on Labor.

A bill to prohibit employers from placing certain conditions on employment; to grant rights to employees; to impose duties and responsibilities on certain state and local officers; to make certain agreements unlawful; and to provide remedies and penalties.

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

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

3           Sec. 3. As used in this act:

4           (a) "Employer" means a person or entity that pays 1 or more  
5 individuals under an express or implied contract of hire.

6           (b) "Labor organization" means an organization of any kind, an  
7 agency or employee representation committee, group, association, or  
8 plan in which employees participate and which exists for the  
9 purpose, in whole or in part, of dealing with employers concerning

1 grievances, labor disputes, wages, rates of pay, hours, or other  
2 terms or conditions of employment.

3       Sec. 5. Except as provided in section 13, a person shall not  
4 require an employee to do any of the following as a condition of  
5 employment or continued employment:

6       (a) Become or remain a member of a labor organization.

7       (b) Pay dues, fees, assessments, or other similar charges to a  
8 labor organization.

9       (c) Pay to a charity or other third party an amount equivalent to  
10 or pro rata portion of dues, fees, assessments, or other charges  
11 required of members of a labor organization.

12       Sec. 7. Except as provided in section 13, an agreement,  
13 understanding, or practice between a labor organization and employer  
14 that violates employee rights granted under this act is unlawful and  
15 unenforceable.

16       Sec. 9. A person who suffers an injury or a threatened injury  
17 from a violation of this act may bring a civil action for damages,  
18 injunctive relief, or both. The court may award a prevailing plaintiff  
19 costs and reasonable attorney fees. The civil remedy is independent  
20 of, and in addition to, any criminal proceeding or sanction prescribed  
21 for a violation of this act.

22       Sec. 11. A person who violates this act is guilty of a  
23 misdemeanor. The prosecuting attorney of the county or the attorney  
24 general shall investigate each complaint of a violation of this act  
25 and shall prosecute the criminal case if credible evidence of a  
26 violation exists.

27       Sec. 13. This act does not apply to any of the following:

1 (a) An employer or employee covered by the federal railway labor  
2 act, 45 USC 151 to 188.

3 (b) A federal employer or employee.

4 (c) An employer or employee at an exclusively federal enclave.

5 (d) An employment contract entered into before the effective date  
6 of this act, except that this act applies to a contract renewal or  
7 extension that takes effect after the effective date of this act.

8 (e) A situation in which it would conflict with, or be  
9 preempted by, federal law.

10 Enacting section 1. This act does not take effect unless  
11 Senate Bill No. \_\_\_\_\_ or House Bill No. 4455(request no.  
12 00764'07 a) of the 94th Legislature is enacted into law.