



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4003 (as reported without amendment)
Sponsor: Representative Paul Opsommer
House Committee: Families, Children, and Seniors
Senate Committee: Reforms, Restructuring and Reinventing

CONTENT

The bill would amend the public employment relations Act to:

- Exclude from the definition of "public employee" a person who receives a government subsidy in his or her private employment.
- Prohibit the recognition of a bargaining unit consisting of individuals who are not public employees.

The Act's definition of "public employee" makes an exception for a person employed by a private organization or entity who provides services under a time-limited contract with the State or a political subdivision of the State. The bill also would exclude a person employed by a private organization or entity who receives a direct or indirect government subsidy in his or her private employment. This exception (as amended by the bill) could not be superseded by any interlocal agreement, memorandum of understanding, memorandum of commitment, or other similar document.

The Act provides for an election to be held when public employees submit a petition alleging that 30% or more of the public employees in a unit wish to be represented for collective bargaining.

The bill would prohibit an election from being directed for a bargaining unit of a public employer consisting of individuals who are not public employees, and would prohibit the Michigan Employment Relations Commission or a public employer from recognizing such a bargaining unit. A bargaining unit that was formed or recognized in violation of this prohibition would be invalid and void.

The bill states, "This amendatory act is curative, reflects the original intent of the legislature, and is retroactive."

MCL 423.201 & 423.214

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-30-11

Fiscal Analyst: Josh Sefton