



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4003 (as passed by the House)
Sponsor: Representative Paul Opsommer
House Committee: Families, Children, and Seniors
Senate Committee: Reforms, Restructuring and Reinventing

Date Completed: 11-29-11

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; and to prohibit the recognition of a bargaining unit consisting of individuals who are not public employees.

The Act's definition of "public employee" includes a person holding a position by appointment or employment in State or local government, in the public school service, and in any other branch of the public service, subject to exceptions. One of the exceptions applies to 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.

Under the bill, the term "public employee" 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 This exception (as amended by the bill) could not be superseded by any interlocal agreement, memorandum of understanding, memorandum of commitment, or other similar document.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 Michigan Employment Relations Commission (MERC) must promulgate rules governing the election.

The bill would prohibit an election from being directed for, and would prohibit MERC or a public employer from recognizing, a bargaining unit of a public employer consisting of individuals who are not public employees. 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.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.