

SUBSTITUTE FOR
HOUSE BILL NO. 4059

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 a public employer shall not be~~
4 ~~prohibited from permitting~~ **BUT A PUBLIC EMPLOYER MAY PERMIT**
5 employees to confer with it during working hours without loss of
6 time 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~~ **BUT**
10 nothing in this act or in any law of this state ~~shall preclude~~
11 **PRECLUDES** a public employer from making an agreement with an
12 exclusive bargaining representative as ~~defined~~ **DESCRIBED** in section
13 11 to require as a condition of employment that all employees in
14 the bargaining unit pay to the exclusive bargaining representative
15 a service fee equivalent to the amount of dues uniformly required
16 of members of the exclusive bargaining representative. ~~+~~

17 (d) ~~to discriminate~~ **DISCRIMINATE** against a public employee
18 because he **OR SHE** has given testimony or instituted proceedings
19 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) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
24 **THIS SUBDIVISION, ENTER INTO OR RENEW A BARGAINING AGREEMENT THAT**
25 **REQUIRES OR ALLOWS PAID TIME FOR UNION OFFICIALS, MEMBERS, OR**
26 **BARGAINING REPRESENTATIVES TO CONDUCT UNION BUSINESS OR OTHERWISE**
27 **CARRY OUT THE DUTIES OF THE UNION IF THE TIME IS PAID BY THE PUBLIC**

1 **EMPLOYER.**

2 (2) It is the purpose of ~~this~~**THE** amendatory act **THAT ADDED**
 3 **THIS SUBSECTION** to reaffirm the continuing public policy of this
 4 state that the stability and effectiveness of labor relations in
 5 the public sector require, if ~~such~~**THE** requirement is negotiated
 6 with the public employer, that all employees in the bargaining unit
 7 shall share fairly in the financial support of their exclusive
 8 bargaining representative by paying to the exclusive bargaining
 9 representative a service fee ~~which~~**THAT** may be equivalent to the
 10 amount of dues uniformly required of members of the exclusive
 11 bargaining representative.

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

14 (a) ~~to restrain or coerce: (i) public~~ **RESTRAIN OR COERCE**
 15 **PUBLIC** employees in the exercise of the rights guaranteed in
 16 section 9. ~~Provided, That this~~ **THIS** subdivision ~~shall~~ **DOES** not
 17 impair the right of a labor organization to prescribe its own rules
 18 with respect to the acquisition or retention of membership.
 19 ~~therein; or (ii) a~~

20 **(B) RESTRAIN OR COERCE A** public employer in the selection of
 21 its representatives for the purposes of collective bargaining or
 22 the adjustment of grievances. ~~;~~ ~~(b) to cause~~

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

26 **(D) REFUSE** to bargain collectively with a public employer,
 27 provided it is the representative of the public employer's

1 employees subject to section 11.