

# HOUSE BILL No. 4059

January 13, 2011, Introduced by Reps. Knollenberg, MacMaster, McMillin and Genetski and referred to the Committee on Oversight, Reform, and Ethics.

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 †

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

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

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

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

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

22 **(F) AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**  
 23 **THIS SUBDIVISION, ENTER INTO OR RENEW A BARGAINING AGREEMENT THAT**  
 24 **REQUIRES OR ALLOWS PAID RELEASE TIME FOR UNION OFFICERS OR**  
 25 **BARGAINING REPRESENTATIVES TO CONDUCT UNION BUSINESS IF THE RELEASE**  
 26 **TIME IS PAID BY THE PUBLIC EMPLOYER.**

27 (2) It is the purpose of ~~this~~ **THE** amendatory act **THAT ADDED**

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

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

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

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

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

24 (d) **REFUSE** to bargain collectively with a public employer,  
25 provided it is the representative of the public employer's  
26 employees subject to section 11.