

SENATE BILL No. 48

January 18, 2017, Introduced by Senators ZORN, HORN, NOFS and STAMAS and referred to the Committee on Government Operations.

A bill to prohibit local units of government from imposing sanctions on certain employees for communications with elected officials; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "communications with elected officials act".

3 Sec. 2. As used in this act:

4 (a) "Elected official" means a person who holds any elective
5 office in federal, state, or local government.

6 (b) "Public employee" means an individual who is a direct
7 employee of a public employer or who regularly provides services
8 for a public employer as an indirect employee through an employment
9 agency.

10 (c) "Public employer" includes all of the following and their

1 officers and agents:

2 (i) A local unit of government.

3 (ii) Any intergovernmental, metropolitan, or local department,
4 agency, or authority, or other political subdivision of this state.

5 (iii) A school district, a public school academy, or an
6 intermediate school district, as those terms are defined in
7 sections 4 to 6 of the revised school code, 1976 PA 451, MCL 380.4
8 to 380.6.

9 Sec. 3. (1) A public employer shall not discharge, threaten,
10 or otherwise discriminate against a public employee regarding the
11 public employee's compensation, terms, conditions, location, or
12 privileges of employment because the public employee, or a person
13 acting on behalf of the public employee, speaks with an elected
14 public official.

15 (2) This act does not do any of the following:

16 (a) Diminish or impair the rights of a person under any
17 collective bargaining agreement.

18 (b) Permit a disclosure or protect a public employee from
19 sanctions for a disclosure that violates state or federal law or
20 that diminishes or impairs the rights of any person to the
21 continued statutory or common law protection of the confidentiality
22 of communications or other information.

23 Sec. 4. (1) A person who alleges a violation of this act may
24 bring a civil action for injunctive relief, damages, or both
25 injunctive relief and damages in a court of appropriate
26 jurisdiction within 90 days after the alleged violation.

27 (2) As used in subsection (1), "damages" means damages for

1 injury or loss caused by each violation of this act, including
2 reasonable attorney fees.

3 (3) In an action under this act, a court may order
4 reinstatement of the public employee, payment of back wages,
5 reinstatement of fringe benefits and seniority rights, damages, or
6 any combination of these remedies. The court may also award the
7 complainant all or a portion of the costs of litigation, including
8 reasonable attorney fees and witness fees.

9 Enacting section 1. This act takes effect 90 days after the
10 date it is enacted into law.