

Act No. 145  
Public Acts of 2024  
Approved by the Governor  
October 8, 2024  
Filed with the Secretary of State  
October 8, 2024  
EFFECTIVE DATE: Sine Die  
(91st day after final adjournment of the 2024 Regular Session)

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2024**

Introduced by Senator Santana

# ENROLLED SENATE BILL No. 791

AN ACT 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; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,” by amending sections 1 and 14 (MCL 423.201 and 423.214), section 1 as amended by 2023 PA 237 and section 14 as amended by 2012 PA 349.

*The People of the State of Michigan enact:*

Sec. 1. (1) As used in this act:

(a) “Bargaining representative” means a labor organization recognized by an employer or certified by the commission as the sole and exclusive bargaining representative of certain employees of the employer.

(b) “Commission” means the employment relations commission created in section 3 of 1939 PA 176, MCL 423.3.

(c) “Intermediate school district” means that term as defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(d) “Lockout” means the temporary withholding of work from a group of employees by shutting down the operation of the employer to bring pressure upon the affected employees or the bargaining representative, or both, to accept the employer’s terms of settlement of a labor dispute.

(e) “Public employee” means, except as otherwise provided in subdivisions (f) and (g), an individual holding a position by appointment or employment in the government of this state, in the government of 1 or more of the political subdivisions of this state, in the public school service, in a public or special district, in the service of an authority, commission, or board, or in any other branch of the public service. Public employee includes both of the following:

(i) An individual serving as a graduate student research assistant or in an equivalent position.

(ii) An individual designated by the legislature as a public employee. The legislature may designate an individual as a public employee only for the purpose of collective bargaining. The designation does not render the individual an employee of this state or political subdivision of this state for any purpose other than the limited purpose authorized by the legislature.

(f) An individual employed by a private organization or entity who provides services under a time-limited contract with this state or a political subdivision of this state is not an employee of this state or that political subdivision, and is not a public employee.

(g) A student participating in intercollegiate athletics on behalf of a public university in this state is not a public employee entitled to representation or collective bargaining rights under this act.

(h) "Public school academy" means a public school academy or strict discipline academy organized under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(i) "Public school employer" means a public employer that is any of the following:

(i) The board of a school district, an intermediate school district, or a public school academy.

(ii) The governing board of a joint endeavor or consortium consisting of any combination of school districts, intermediate school districts, or public school academies.

(j) "School district" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a local act school district as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

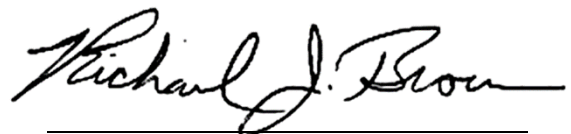
(k) "Strike" means the concerted failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment. For employees of a public school employer, strike also includes an action described in this subdivision that is taken for the purpose of protesting or responding to an act alleged or determined to be an unfair labor practice committed by the public school employer.

(2) This act does not limit, impair, or affect the right of a public employee to the expression or communication of a view, grievance, complaint, or opinion on any matter related to the conditions or compensation of public employment or their betterment as long as the expression or communication does not interfere with the full, faithful, and proper performance of the duties of employment.

Sec. 14. An election must not be directed in any bargaining unit or any subdivision within which, in the preceding 12-month period, a valid election was held. The commission shall determine who is eligible to vote in the election and shall promulgate rules governing the election. In an election involving more than 2 choices, if none of the choices on the ballot receives a majority vote, a runoff election must be conducted between the 2 choices receiving the 2 largest numbers of valid votes cast in the election. An election must not be directed in any bargaining unit or subdivision of any bargaining unit if there is in force and effect a valid collective bargaining agreement that was not prematurely extended and that is of fixed duration. A collective bargaining agreement does not bar an election upon the petition of persons not parties to the collective bargaining agreement if more than 3 years have elapsed since the agreement's execution or last timely renewal, whichever was later.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor