

MICHIGAN GAMING CONTROL AND REVENUE ACT (EXCERPT)
Initiated Law 1 of 1996

432.207c Local labor organizations; requirements.

Sec. 7c.

(1) Each local labor organization that directly represents casino gaming employees shall register with the board biennially and provide all of the following:

(a) The local labor organization's name, address, and telephone number.
(b) The name and address of any international labor organization with which it directly or indirectly maintains an affiliation or relationship.

(c) All of the following information for the designated individuals and other personnel of the local labor organization:

(i) The individual's full name and any known alias or nickname.
(ii) The individual's business address and telephone number.
(iii) The individual's title or other designation in the local labor organization.
(iv) Unless information is required under subdivision (d)(v), a brief description of the individual's duties and activities.
(v) The individual's annual compensation, including salary, allowances, reimbursed expenses, and other direct or indirect disbursements.

(d) All of the following additional information for each designated individual of the local labor organization:

(i) The individual's home address and telephone number.
(ii) The individual's date and place of birth.
(iii) The individual's Social Security number.
(iv) The date he or she was hired by or first consulted with or advised the local labor organization.
(v) A detailed description of all of the following:
(A) The individual's duties and activities.
(B) Whether he or she performed the same or similar activities previously on a labor organization's behalf.
(C) The individual's prior employment or occupational history.
(vi) Excluding minor traffic offenses, a detailed description of all of the following:
(A) The individual's convictions, including any conviction that was expunged or set aside, sealed by court order, or for which he or she received a pardon.
(B) Any criminal offense for which he or she was charged or indicted but not convicted.
(vii) Whether he or she was ever denied a business, liquor, gaming, or professional license or had a business, liquor, gaming, or professional license revoked.
(viii) Whether a court or governmental agency determined the individual unsuitable to be affiliated with a labor organization and the details of that determination.
(ix) Whether the individual was ever subpoenaed as a witness before a grand jury, legislative committee, administrative body, crime commission, or similar agency and the details relating to that subpoena.
(x) A photograph of the individual taken within the previous 60 days.
(xi) For the local labor organization's first filing, a complete set of the individual's fingerprints.
(e) A written certification under oath by the local labor organization president, secretary, treasurer, or chief official that the information provided under this subsection is complete and accurate. The board shall prescribe the form for this certification.

(2) A local labor organization may satisfy the information requirements of subsection (1) by providing to the board copies of reports filed with the United States Department of Labor under the labor management reporting and disclosure act of 1959, Public Law 86-257, supplemented by any required information not contained in those reports.

(3) If information required under subsection (1) for a designated individual changes after registration or if the local labor organization gains a designated individual after registration, the local labor organization shall provide the board with that new information or the information, photograph, and fingerprints required under subsection (1) for the new designated individual within 21 days after the information changes.

(4) Notwithstanding section 4c, information provided by a local labor organization to the board under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(5) Upon finding by clear and convincing evidence that grounds for disqualification under subsection (6) exist, the board may disqualify an officer, agent, or principal employee of a local labor organization registered or required to be registered under this section from performing any of the following functions:

(a) Adjusting grievances for or negotiating or administering the wages, hours, working conditions, or employment conditions of casino gaming employees.

(b) Soliciting, collecting, or receiving from casino gaming employees any dues, assessments, levies, fines, contributions, or other charges within this state for or on behalf of the local labor organization.

(c) Supervising, directing, or controlling other officers, agents, or employees of the local labor organization in performing functions described in subdivisions (a) and (b).

(6) An individual may be disqualified under subsection (5) for lacking good moral character only if any of the following apply:

(a) He or she has been indicted or charged with, convicted of, pled guilty or nolo contendere to, or forfeited bail in connection with a crime involving gambling, theft, dishonesty, prostitution, or fraud under the laws of this state, any other state, or the United States or a local ordinance of a political subdivision of this state or another state. Disqualification must not be based only on crimes that involve soliciting or engaging prostitution services unless the individual is or has engaged in an ongoing pattern of that behavior. If the grounds for disqualification are criminal charges or indictment, at the individual's request, the board shall defer making a decision on disqualification while the charge or indictment is pending.

(b) He or she intentionally or knowingly made or caused to be made a false or misleading statement in a document provided to the board or its agents or orally to a board member or agent in connection with an investigation.

(c) He or she engages in criminal or unlawful activities in an occupational manner or context for economic gain, or is an associate or member of a group of individuals who operate together in that fashion, and this behavior creates a reasonable belief that the behavior adversely affects gambling operations and the public policy underlying this act. In making a determination under this subdivision, the board may consider findings or identifications by the attorney general or department of state police that an individual is within this category.

(7) A designated individual shall report all information described in subsection (6)(a) to (c) concerning him or her to the local labor organization. A local labor organization shall report all information described in subsection (6)(a) to (c) concerning its designated individuals of which it has actual knowledge to the board.

(8) The board may waive any disqualification criterion under subsection (6) or may rescind a disqualification under subsection (5), if doing so is consistent with the public policy of this act and based on a finding that the interests of justice require that waiver or rescission.

(9) The board shall give written notice to an individual it proposes to disqualify and to the affected labor organization, stating the reason for the proposed disqualification and describing any supporting evidence in the board's possession. Within 30 days after receiving the written notice of proposed disqualification, the respondent may file with the board a written request for a hearing, that must take place promptly. The board shall conduct the hearing in conformity with the contested case procedures set forth in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A person aggrieved by a final disqualification has the right to appeal to the circuit court for the county in which the person resides or has his or her principal place of business to have the disqualification set aside based on any ground set forth in section 106 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.306.

(10) Not later than January 31 of the calendar year after disqualification and each year after that unless the disqualification is rescinded or reversed, the disqualified individual shall provide the board with a sworn statement that he or she did not perform the functions described in subsection (5) during the previous year.

(11) The board may petition the circuit court for the county in which the disqualified individual resides or has his or her principal place of business for an order enforcing the terms of the disqualification.

(12) A local labor organization that is registered or required to be registered under this section or any officer, agent, or principal employee of that organization shall not personally hold any financial interest in a casino licensee employing casino gaming employees represented by the organization or person.

(13) This section does not prohibit a local labor organization from conducting training for or operating a school to train casino gaming employees, or from entering into an agreement or arrangement with a casino licensee, supplier, or vendor to provide for the training of casino gaming employees.

(14) This section does not deny, abridge, or limit in any way the legitimate rights of casino gaming employees to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, or to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection or the free exercise of any other rights they may have as employees under the laws of the United States or this state.

(15) This section must not be expanded or amplified by action of the board or any other executive or administrative body. The board and any other executive or administrative body do not have authority to promulgate interpretive rules or rulings to implement this section. The board and any other executive or administrative body do not have authority under this section to require that a local labor organization or an officer, agent, or principal employee of a labor organization does either of the following:

(a) Qualify for or obtain a casino, occupational, or supplier's license or any other license or permit required under rules promulgated by the board.

(b) Ensure the compliance of any person or entity with the licensing requirements under this act or under rules promulgated by the board.

(16) As used in this section:

- (a) "Casino gaming employee" means the following and their supervisors:
 - (i) Individuals involved in operating a casino gaming pit, including dealers, shills, clerks, and hosts.
 - (ii) Individuals involved in handling money, including cashiers, change persons, count teams, and coin wrappers.
 - (iii) Individuals involved in operating gambling games.
 - (iv) Individuals involved in operating and maintaining slot machines, including mechanics, floorpersons, and change and payoff persons.
 - (v) Individuals involved in security, including guards and game observers.
 - (vi) Individuals with duties similar to those described in subparagraphs (i) to (v). However, casino gaming employee does not include an individual whose duties are related solely to nongaming activities such as entertainment, hotel operation, maintenance, or preparing or serving food and beverages.
- (b) "Designated individual" means an officer, agent, principal employee, or individual performing a function described in subsection (5).
- (17) This act does not preclude employees from exercising their legal rights to organize themselves into collective bargaining units.

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