

## COMPULSORY ARBITRATION OF LABOR DISPUTES IN POLICE AND FIRE DEPARTMENTS

### Act 312 of 1969

AN ACT to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof.

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
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*The People of the State of Michigan enact:*

#### 423.231 Compulsory arbitration in police and fire departments; policy.

**Constitutionality:** <Paragraph><P>This section does not unconstitutionally divest home-rule cities of their constitutional powers, nor does it surrender the power to tax to the arbitrators in violation of the Michigan Constitution. <Emph EmphType="underscore">Dearborn Firefighters Union</Emph>, <Emph EmphType="underscore">Local No 412, IAFF</Emph> v <Emph EmphType="underscore">City of Dearborn</Emph>, 394 Mich 229; 231 NW2d 226 (1975).</P></Paragraph><Paragraph><P>Act No. 312 of the Public Acts of 1969, as amended by 1976 PA 84, which provides for compulsory arbitration of disputes concerning contract formation in police and fire departments, is a constitutional delegation of legislative power. <Emph EmphType="underscore">City of Detroit</Emph> v <Emph EmphType="underscore">Detroit Police Officers Association</Emph>, 408 Mich 410; 294 NW2d 68 (1980).</P></Paragraph><Paragraph><P>This act, which provides for compulsory arbitration of labor disputes in municipal police and fire departments, is a constitutional delegation of legislative power, providing standards as reasonably precise as the subject matter requires or permits and adequate political accountability. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
**Popular Name:** Act 312

#### 423.232 Definitions; provisions inapplicable to certain persons employed by a private emergency medical service company.

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
**Popular Name:** Act 312

#### 423.233 Initiation of binding arbitration proceedings; request.

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
**Popular Name:** Act 312

#### 423.234 Delegates; selection; notice.

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
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**423.235 Selection and designation of impartial arbitrator or chair of arbitration panel; Michigan employment relations commission panel of arbitrators; appointment, terms, qualifications, and removal of members; qualifications and training for service as chair of arbitration panel.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
**Popular Name:** Act 312

**423.236 Arbitrator; duties; hearing; intervenors; evidence; record; expenses; actions and rulings.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
**Popular Name:** Act 312

**423.237 Oaths; subpoenas; failure to obey, contempt of court.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
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**423.237a Remanding dispute for further collective bargaining.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
**Popular Name:** Act 312

**423.238 Identification of economic issues in dispute; submission and adoption of settlement offers; findings, opinion, and order.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
**Popular Name:** Act 312

**423.239 Findings, opinions, and orders; factors considered; financial ability of governmental unit to pay.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
**Popular Name:** Act 312

**423.240 Majority decision of arbitration panel final and binding; enforcement; effect of new municipal fiscal year; awarding increased rates or benefits retroactively; amending or modifying award of arbitration.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
**Popular Name:** Act 312

**423.241 Violation of lawful enforcement order; penalty.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
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**423.242 Judicial review; scope; stay.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
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**423.243 Existing conditions; continuance, change.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
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**423.244 Act supplementary.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
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#### **423.245 Repealed. 1975, Act 3, Imd. Eff. Mar. 25, 1975.**

**Compiler's Notes:** <Paragraph><P>The repealed section contained an expiration provision.</P></Paragraph>  
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#### **423.246 Violations of act; imprisonment prohibited.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
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#### **423.247 Effective date.**

**Constitutionality:** <Paragraph><P>This act is clearly constitutional. <Emph EmphType="underscore">Local 1277, Metropolitan Council No 23, American Federation of State, County and Municipal Employees, AFL-CIO</Emph> v <Emph EmphType="underscore">City of Center Line</Emph>, 414 Mich 642; 327 NW2d 822 (1982).</P></Paragraph>  
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