

Act No. 543
Public Acts of 1996
Approved by the Governor
January 13, 1997
Filed with the Secretary of State
January 15, 1997

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Stille, Rogers, Steil, Carl, Geake, Gast, McManus, Dunaskiss, Shugars and Gougeon

ENROLLED SENATE BILL No. 1015

AN ACT to amend section 1 of Act No. 336 of the Public Acts of 1947, entitled as amended "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," as amended by Act No. 112 of the Public Acts of 1994, being section 423.201 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1 of Act No. 336 of the Public Acts of 1947, as amended by Act No. 112 of the Public Acts of 1994, being section 423.201 of the Michigan Compiled Laws, is amended to read as follows:

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 Act No. 176 of the Public Acts of 1939, being section 423.3 of the Michigan Compiled Laws.

(c) "Intermediate school district" means that term as defined in section 4 of the revised school code, Act No. 451 of the Public Acts of 1976, being section 380.4 of the Michigan Compiled Laws.

(d) "Lockout" means the temporary withholding of work from a group of employees by means of shutting down the operation of the employer in order 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 a person 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. Beginning on the effective date of the amendatory act that added this sentence, a person employed by a private organization or entity that provides services under a time-limited contract with the state or a political subdivision of the state is not an employee of the state or that political subdivision, and is not a public employee.

(f) "Public school academy" means a public school academy organized under part 6a of Act No. 451 of the Public Acts of 1976, being sections 380.501 to 380.507 of the Michigan Compiled Laws.

(g) "Public school employer" means a public employer that is the board of a school district, intermediate school district, or public school academy, or is the governing board of a joint endeavor or consortium consisting of any combination of school districts, intermediate school districts, or public school academies.

(h) "School district" means that term as defined in section 6 of Act No. 451 of the Public Acts of 1976, being section 380.6 of the Michigan Compiled Laws, or a local act school district as defined in section 5 of Act No. 451 of the Public Acts of 1976, being section 380.5 of the Michigan Compiled Laws.

(i) "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.

This act did not receive immediate effect and will take effect 90 days after final adjournment of the Legislature.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved _____

Governor.

