



HOUSE BILL No. 4177

January 17, 1995, Introduced by Rep. Anthony and referred to the Committee on Human Resources and Labor.

A bill to amend the title and sections 1, 2, 3, and 10 of Act No. 312 of the Public Acts of 1969, entitled

"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,"

being sections 423.231, 423.232, 423.233, and 423.240 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, and 10 of Act
2 No. 312 of the Public Acts of 1969, being sections 423.231,
3 423.232, 423.233, and 423.240 of the Michigan Compiled Laws, are
4 amended to read as follows:

TITLE

1

2 An act to provide for compulsory arbitration of labor dis-
3 putes in municipal police and fire departments AND THE PUBLIC
4 SCHOOLS; ~~to define such public departments;~~ to provide for the
5 selection of members of arbitration panels; to prescribe the pro-
6 cedures and authority ~~thereof~~ OF ARBITRATION PANELS; and to
7 provide for the enforcement and review of ARBITRATION awards.
8 ~~thereof.~~

9

10 Sec. 1. It is the public policy of this state that in
11 public police and fire departments AND IN THE PUBLIC SCHOOLS,
12 ~~where~~ IN WHICH the right of employees to strike is by law pro-
13 hibited, it is requisite to the high morale of ~~such~~ THOSE
14 employees and the efficient operation of ~~such~~ POLICE AND FIRE
15 departments AND SCHOOLS to afford an alternate, expeditious,
16 effective, and binding procedure for the resolution of disputes,
17 and to that end the provisions of this act, providing for compul-
18 sory arbitration, shall be liberally construed.

18

19 Sec. 2. ~~(1) Public police and fire departments means any~~
20 ~~department of a city, county, village, or township having employ-~~
21 ~~ees engaged as policemen, or in fire fighting or subject to the~~
22 ~~hazards thereof, emergency medical service personnel employed by~~
23 ~~a police or fire department, or an emergency telephone operator~~
24 ~~employed by a police or fire department.~~ AS USED IN THIS ACT:

24

25 (A) ~~(2) Emergency medical service personnel for purposes of~~
26 ~~this act includes a person who provides~~ "EMERGENCY MEDICAL SERV-
27 ICE PERSONNEL" MEANS EMPLOYEES WHO PROVIDE assistance at
28 dispatched or observed medical emergencies occurring outside a

1 recognized medical facility including instances of heart attack,
2 stroke, injury accidents, electrical accidents, drug overdoses,
3 imminent childbirth, and other instances ~~where~~ IN WHICH there
4 is the possibility of death or further injury; ~~initiates~~
5 INITIATE stabilizing treatment or transportation of injured from
6 the emergency site; and ~~notifies~~ NOTIFY police or interested
7 departments of certain situations encountered including criminal
8 matters, poisonings, and the report of contagious diseases.

9 Emergency ~~telephone operator for the purpose of this act~~
10 ~~includes~~ MEDICAL SERVICE PERSONNEL DOES NOT INCLUDE A PERSON WHO
11 IS EMPLOYED BY A PRIVATE EMERGENCY MEDICAL SERVICE WORKING UNDER
12 A CONTRACT WITH A GOVERNMENTAL UNIT OR A PERSON WHO WORKS IN AN
13 EMERGENCY SERVICE ORGANIZATION WHOSE DUTIES ARE SOLELY OF AN
14 ADMINISTRATIVE OR SUPPORTING NATURE AND WHO DOES NOT OTHERWISE
15 MEET THE REQUIREMENTS OF THIS SUBDIVISION.

16 (B) "EMERGENCY TELEPHONE OPERATOR" MEANS a person employed
17 by a police or fire department for the purpose of relaying emer-
18 gency calls to police, fire, or emergency medical service
19 personnel.

20 ~~(3) This act shall not apply to persons employed by a pri-~~
21 ~~vate emergency medical service company who work under a contract~~
22 ~~with a governmental unit or personnel working in an emergency~~
23 ~~service organization whose duties are solely of an administrative~~
24 ~~or supporting nature and who are not otherwise qualified under~~
25 ~~subsection (2).~~

26 (C) "INTERMEDIATE SCHOOL DISTRICT" MEANS THAT TERM AS
27 DEFINED IN SECTION 4 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF

1 THE PUBLIC ACTS OF 1976, BEING SECTION 380.4 OF THE MICHIGAN
2 COMPILED LAWS.

3 (D) "PUBLIC POLICE AND FIRE DEPARTMENTS" MEANS ANY DEPART-
4 MENT OF A CITY, COUNTY, VILLAGE, OR TOWNSHIP THAT HAS EMPLOYEES
5 ENGAGED AS POLICE OFFICERS OR FIRE FIGHTERS, OR HAS EMPLOYEES WHO
6 ARE SUBJECT TO THE HAZARDS OF FIRE FIGHTING. EMERGENCY MEDICAL
7 SERVICE PERSONNEL AND EMERGENCY TELEPHONE OPERATORS EMPLOYED BY A
8 POLICE OR FIRE DEPARTMENT ARE CONSIDERED EMPLOYEES OF POLICE AND
9 FIRE DEPARTMENTS WHO ARE SUBJECT TO THIS ACT.

10 (E) "PUBLIC SCHOOL" MEANS A SCHOOL DISTRICT, INTERMEDIATE
11 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY, OR A JOINT ENDEAVOR OR
12 CONSORTIUM CONSISTING OF ANY COMBINATION OF SCHOOL DISTRICTS,
13 INTERMEDIATE SCHOOL DISTRICTS, OR PUBLIC SCHOOL ACADEMIES.

14 (F) "PUBLIC SCHOOL ACADEMY" MEANS A PUBLIC SCHOOL ACADEMY
15 ORGANIZED UNDER PART 6A OF ACT NO. 451 OF THE PUBLIC ACTS OF
16 1976, BEING SECTIONS 380.501 TO 380.507 OF THE MICHIGAN COMPILED
17 LAWS.

18 (G) "SCHOOL DISTRICT" MEANS THAT TERM AS DEFINED IN SECTION
19 6 OF ACT NO. 451 OF THE PUBLIC ACTS OF 1976, BEING SECTION 380.6
20 OF THE MICHIGAN COMPILED LAWS, OR A LOCAL ACT SCHOOL DISTRICT AS
21 DEFINED IN SECTION 5 OF ACT NO. 451 OF THE PUBLIC ACTS OF 1976,
22 BEING SECTION 380.5 OF THE MICHIGAN COMPILED LAWS.

23 Sec. 3. ~~Whenever~~ IF in the course of mediation of A DIS-
24 PUTE, OTHER THAN A GRIEVANCE DISPUTE, BETWEEN a public police or
25 fire department ~~employee's dispute, except a dispute concerning~~
26 ~~the interpretation or application of an existing agreement (a~~
27 ~~"grievance" dispute)~~ OR BETWEEN A PUBLIC SCHOOL AND ITS

1 EMPLOYEES, the dispute has not been resolved to the agreement of
 2 both parties within 30 days ~~of~~ AFTER the submission of the dis-
 3 pute to mediation, or within ~~such further~~ additional periods to
 4 which the parties may agree, the employees or employer may initi-
 5 ate binding arbitration proceedings UNDER THIS ACT by ~~prompt~~
 6 MAKING A WRITTEN request ~~therefor, in writing,~~ to the other ~~7~~
 7 ~~with~~ PARTY AND PROVIDING A copy to the employment relations
 8 commission. AS USED IN THIS SECTION, "GRIEVANCE DISPUTE" MEANS A
 9 DISPUTE CONCERNING THE INTERPRETATION OR APPLICATION OF AN EXIST-
 10 ING AGREEMENT.

11 Sec. 10. A majority decision of the arbitration panel, if
 12 supported by competent, material, and substantial evidence on the
 13 whole record, ~~shall be~~ IS final and binding upon the parties,
 14 and may be enforced ~~at the instance of~~ BY either party or
 15 ~~of~~ BY the arbitration panel in the circuit court for the county
 16 in which the dispute arose or in which a majority of the affected
 17 employees reside. The commencement of a new municipal OR SCHOOL
 18 fiscal year after the initiation of arbitration procedures under
 19 this act, but before the arbitration decision ~~or its~~
 20 enforcement OF THE ARBITRATION DECISION, ~~shall~~ DOES not ~~be~~
 21 ~~deemed to~~ render a dispute moot ~~or to otherwise~~ impair the
 22 jurisdiction or authority of the arbitration panel or its
 23 decision. Increases in rates of compensation or other benefits
 24 may be awarded retroactively to the commencement of any
 25 ~~period(s)~~ PERIOD OR PERIODS in dispute, NOTWITHSTANDING any
 26 other statute or charter provisions to the contrary.
 27 ~~notwithstanding. At any time the~~ THE parties ~~by~~

1 ~~stipulation,~~ may STIPULATE TO amend or modify an award of
2 arbitration AT ANY TIME.