



SENATE BILL No. 1015

May 14, 1996, Introduced by Senators STILLE, ROGERS, STEIL, CARL, GEAKE, GAST, MC MANUS, DUNASKISS, SHUGARS and GOUGEON and referred to the Committee on Human Resources, Labor and Veterans Affairs.

A bill to amend sections 1 and 4a 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,"

section 1 as amended by Act No. 112 of the Public Acts of 1994, being sections 423.201 and 423.204a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 4a of Act No. 336 of the Public
2 Acts of 1947, section 1 as amended by Act No. 112 of the Public
3 Acts of 1994, being sections 423.201 and 423.204a of the Michigan
4 Compiled Laws, are amended to read as follows:

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

2 (a) "Bargaining representative" means a labor organization
3 recognized by an employer or certified by the commission as the
4 sole and exclusive bargaining representative of certain employees
5 of the employer.

6 (b) "Commission" means the employment relations commission
7 created in section 3 of Act No. 176 of the Public Acts of 1939,
8 being section 423.3 of the Michigan Compiled Laws.

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

13 (d) "Lockout" means the temporary withholding of work from a
14 group of employees by means of shutting down the operation of the
15 employer in order to bring pressure upon the affected employees
16 or the bargaining representative, or both, to accept the
17 employer's terms of settlement of a labor dispute.

18 (e) "Public employee" means a person holding a position by
19 appointment or employment in the government of this state, in the
20 government of 1 or more of the political subdivisions of this
21 state, in the public school service, in a public or special dis-
22 trict, in the service of an authority, commission, or board, or
23 in any other branch of the public service. BEGINNING ON THE
24 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SENTENCE, A
25 PERSON EMPLOYED BY A PRIVATE ORGANIZATION OR ENTITY THAT PROVIDES
26 SERVICES UNDER A TIME-LIMITED CONTRACT WITH THE STATE OR A
27 POLITICAL SUBDIVISION OF THE STATE IS NOT AN EMPLOYEE OF THE

1 STATE OR THAT POLITICAL SUBDIVISION, AND IS NOT A PUBLIC
2 EMPLOYEE.

3 (f) "Public school academy" means a public school academy
4 organized under part 6a of Act No. 451 of the Public Acts of
5 1976, being sections 380.501 to 380.507 of the Michigan Compiled
6 Laws.

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

13 (h) "School district" means that term as defined in section
14 6 of Act No. 451 of the Public Acts of 1976, being section 380.6
15 of the Michigan Compiled Laws, or a local act school district as
16 defined in section 5 of Act No. 451 of the Public Acts of 1976,
17 being section 380.5 of the Michigan Compiled Laws.

18 (i) "Strike" means the concerted failure to report for duty,
19 the willful absence from one's position, the stoppage of work, or
20 the abstinence in whole or in part from the full, faithful, and
21 proper performance of the duties of employment for the purpose of
22 inducing, influencing, or coercing a change in employment condi-
23 tions, compensation, or the rights, privileges, or obligations of
24 employment. For employees of a public school employer, strike
25 also includes an action described in this subdivision that is
26 taken for the purpose of protesting or responding to an act

1 alleged or determined to be an unfair labor practice committed by
2 the public school employer.

3 (2) This act does not limit, impair, or affect the right of
4 a public employee to the expression or communication of a view,
5 grievance, complaint, or opinion on any matter related to the
6 conditions or compensation of public employment or their better-
7 ment as long as the expression or communication does not inter-
8 fere with the full, faithful, and proper performance of the
9 duties of employment.

10 Sec. 4a. ~~The provisions of this~~ THIS act ~~as~~ DOES NOT
11 APPLY to state employees within the jurisdiction of the civil
12 service commission. ~~shall be deemed to apply in so far as the~~
13 ~~power exists in the legislature to control employment by the~~
14 ~~state or the emoluments thereof.~~