

HOUSE BILL No. 6134

September 17, 1998, Introduced by Reps. Wojno, Brewer, Hale, Mans, Hanley, Olshove, Thomas and Parks and referred to the Committee on Appropriations.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding section 261c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 261C. (1) THE DEPARTMENT SHALL NOT ENTER INTO A PRIVA-
2 TIZATION CONTRACT UNLESS THAT PRIVATIZATION CONTRACT CONTAINS ALL
3 OF THE FOLLOWING PROVISIONS:
- 4 (A) THE CONTRACTOR WILL OFFER AVAILABLE EMPLOYMENT POSITIONS
5 TO CURRENT OR FORMER EMPLOYEES OF THIS STATE WHO WORKED FOR THE
6 STATE AGENCY AND PERFORMED THE TASKS NOW BEING PERFORMED BY THE
7 CONTRACTOR.
- 8 (B) THE CONTRACTOR WILL COMPLY WITH ALL LAWS AND REGULATIONS
9 REGARDING EMPLOYMENT, EMPLOYMENT DISCRIMINATION, AND EQUAL
10 OPPORTUNITY.

1 (C) THE CONTRACTOR COVENANTS THAT THE CONTRACTOR AND ITS
2 OFFICERS, PARTNERS, MEMBERS, OR MANAGERIAL EMPLOYEES DO NOT HAVE
3 AN ADJUDICATED RECORD OF SUBSTANTIAL OR REPEATED WILLFUL NONCOM-
4 PLIANCE WITH ANY FEDERAL OR STATE REGULATORY LAW, INCLUDING, BUT
5 NOT LIMITED TO, LAWS CONCERNING LABOR RELATIONS, OCCUPATIONAL
6 SAFETY AND HEALTH, EMPLOYMENT DISCRIMINATION, AFFIRMATIVE ACTION,
7 ENVIRONMENTAL PROTECTION, OR CONFLICT OF INTEREST.

8 (D) THE CONTRACTOR WILL NOT PAY A WAGE LESS THAN THE AVERAGE
9 WAGE PAID IN THE PRIVATE SECTOR FOR THE SAME OR SIMILAR WORK AS
10 DETERMINED BY THE DEPARTMENT.

11 (E) THE CONTRACTOR WILL PAY A PERCENTAGE OF THE WAGE OF AN
12 EMPLOYEE FOR A MEDICAL HEALTH PLAN FOR ITS EMPLOYEES AS DETER-
13 MINED BY THE DEPARTMENT. THE DEPARTMENT SHALL NOT DETERMINE A
14 PERCENTAGE LESS THAN THE COMPARABLE PERCENTAGE THIS STATE PAYS ON
15 AVERAGE FOR ITS EMPLOYEES.

16 (2) AS USED IN THIS SECTION, "PRIVATIZATION CONTRACT" MEANS
17 A WRITTEN CONTRACTUAL AGREEMENT OR COMBINATION OF AGREEMENTS IN
18 WHICH A PERSON WHO IS NOT A GOVERNMENTAL AGENCY AGREES TO PROVIDE
19 SERVICES TO 1 OR MORE STATE AGENCIES, VALUED AT MORE THAN
20 \$100,000.00, THAT ARE SUBSTANTIALLY SIMILAR TO AND IN LIEU OF
21 SERVICES PREVIOUSLY PROVIDED, IN WHOLE OR IN PART, BY EMPLOYEES
22 OF THIS STATE. AN AGREEMENT SOLELY TO PROVIDE LEGAL, MANAGEMENT
23 CONSULTING, PLANNING, ENGINEERING, OR DESIGN SERVICES IS NOT A
24 PRIVATIZATION CONTRACT.