

HOUSE BILL No. 5771

March 1, 2006, Introduced by Reps. Gosselin, Drolet, Hoogendyk, Garfield, Sheen, Steil, Palmer and Acciavatti and referred to the Committee on Commerce.

A bill to amend 1947 PA 336, entitled

"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,"

by amending section 10 (MCL 423.210).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) ~~It shall be unlawful for a~~ A public employer or
2 an officer or agent of a public employer **SHALL NOT DO ANY OF THE**
3 **FOLLOWING:**

4 (a) ~~to interfere~~ **INTERFERE** with, restrain, or coerce public
5 employees in the exercise of their rights guaranteed in section 9.

6 ;

7 (b) ~~to initiate~~ **INITIATE**, create, dominate, contribute to,
8 or interfere with the formation or administration of any labor

1 organization. ~~—; Provided, That~~ **HOWEVER**, a public employer ~~shall~~
2 ~~not be prohibited from permitting~~ **MAY PERMIT** employees to confer
3 with ~~it~~ **A LABOR ORGANIZATION** during working hours without loss of
4 time or pay. ~~—;~~

5 (c) ~~to discriminate~~ **DISCRIMINATE** in regard to hire, terms,
6 or other conditions of employment ~~in order~~ to encourage or
7 discourage membership in a labor organization. ~~—; Provided further,~~
8 ~~That nothing in this act or in any law of this state shall preclude~~
9 ~~a public employer from making an agreement with an exclusive~~
10 ~~bargaining representative as defined in section 11 to require as a~~
11 ~~condition of employment that all employees in the bargaining unit~~
12 ~~pay to the exclusive bargaining representative a service fee~~
13 ~~equivalent to the amount of dues uniformly required of members of~~
14 ~~the exclusive bargaining representative;~~

15 (d) ~~to discriminate~~ **DISCRIMINATE** against a public employee
16 because he **OR SHE** has given testimony or instituted proceedings
17 under this act. ~~—; or~~

18 (e) ~~to refuse~~ **REFUSE** to bargain collectively with the
19 representatives of its public employees, subject to the provisions
20 of section 11.

21 ~~— (2) It is the purpose of this amendatory act to reaffirm the~~
22 ~~continuing public policy of this state that the stability and~~
23 ~~effectiveness of labor relations in the public sector require, if~~
24 ~~such requirement is negotiated with the public employer, that all~~
25 ~~employees in the bargaining unit shall share fairly in the~~
26 ~~financial support of their exclusive bargaining representative by~~
27 ~~paying to the exclusive bargaining representative a service fee~~

1 ~~which may be equivalent to the amount of dues uniformly required of~~
2 ~~members of the exclusive bargaining representative.~~

3 (2) ~~(3) It shall be unlawful for a~~ A labor organization or
4 its agents **SHALL NOT DO ANY OF THE FOLLOWING:**

5 (a) ~~to restrain~~ **RESTRAIN** or coerce ~~;(i)~~ public employees
6 in the exercise of the rights guaranteed in section 9, ~~; Provided,~~
7 ~~That~~ **BUT** this subdivision ~~shall~~ **DOES** not impair the right of a
8 labor organization to prescribe its own rules with respect to the
9 acquisition or retention of **ITS** membership. ~~therein; or (ii)~~

10 (B) **RESTRAIN OR COERCE** a public employer in the selection of
11 its representatives for the purposes of collective bargaining or
12 the adjustment of grievances. ~~;(b) to cause~~

13 (C) **CAUSE** or attempt to cause a public employer to
14 discriminate against a public employee in violation of ~~subdivision~~
15 ~~(c) of subsection (1); or (c) to refuse~~ **SUBSECTION (1)(C).**

16 (D) **REFUSE** to bargain collectively with a public employer,
17 ~~provided~~ **IF** it is the representative of the public employer's
18 employees subject to section 11.

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No. 5772(request no.
21 05202'05) of the 93rd Legislature is enacted into law.