

HOUSE BILL No. 5772

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

A bill to prohibit employers from placing certain conditions on employment; to grant rights to employees; to impose duties and responsibilities on certain state and local officers; to make certain agreements unlawful; and to provide remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "right
2 to work law".

3 Sec. 3. As used in this act:

4 (a) "Employer" means a person or entity that pays 1 or more
5 individuals under an express or implied contract of hire.

6 (b) "Labor organization" means an organization of any kind, an
7 agency or employee representation committee, group, association, or
8 plan in which employees participate and which exists for the
9 purpose, in whole or in part, of dealing with employers concerning

1 grievances, labor disputes, wages, rates of pay, hours, or other
2 terms or conditions of employment.

3 Sec. 5. Except as provided in section 13, a person shall not
4 require an employee to do any of the following as a condition of
5 employment or continued employment:

6 (a) Become or remain a member of a labor organization.

7 (b) Pay dues, fees, assessments, or other similar charges to a
8 labor organization.

9 (c) Pay to a charity or other third party an amount equivalent to
10 or pro rata portion of dues, fees, assessments, or other charges
11 required of members of a labor organization.

12 Sec. 7. Except as provided in section 13, an agreement,
13 understanding, or practice between a labor organization and employer
14 that violates employee rights granted under this act is unlawful and
15 unenforceable.

16 Sec. 9. A person who suffers an injury or a threatened injury
17 from a violation of this act may bring a civil action for damages,
18 injunctive relief, or both. The court may award a prevailing plaintiff
19 costs and reasonable attorney fees. The civil remedy is independent
20 of, and in addition to, any criminal proceeding or sanction prescribed
21 for a violation of this act.

22 Sec. 11. A person who violates this act is guilty of a
23 misdemeanor. The prosecuting attorney of the county or the attorney
24 general shall investigate each complaint of a violation of this act
25 and shall prosecute the criminal case if credible evidence of a
26 violation exists.

27 Sec. 13. This act does not apply to any of the following:

1 (a) An employer or employee covered by the federal railway labor
2 act, 45 USC 151 to 188.

3 (b) A federal employer or employee.

4 (c) An employer or employee at an exclusively federal enclave.

5 (d) An employment contract entered into before the effective date
6 of this act, except that this act applies to a contract renewal or
7 extension that takes effect after the effective date of this act.

8 (e) A situation in which it would conflict with, or be
9 preempted by, federal law.

10 Enacting section 1. This act does not take effect unless
11 Senate Bill No. _____ or House Bill No. 5771(request no.
12 05202'05 a) of the 93rd Legislature is enacted into law.