

HOUSE BILL NO. 4975

September 13, 2023, Introduced by Reps. Dievendorf, Brabec, Paiz, McKinney, Hope, Wegela, Wilson, Andrews, Byrnes, Brixie, Morgan and Tsernoglou and referred to the Committee on Labor.

A bill to amend 1939 PA 176, entitled

"An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; to make appropriations; and to prescribe means of enforcement and penalties for violations of this act,"

by amending section 2 (MCL 423.2), as amended by 2023 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Company union" includes any employee association,
3 committee, agency, or representation plan, formed or existing for
4 the purpose, in whole or in part, of dealing with employers
5 concerning grievances or terms and conditions of employment, which
6 in any manner or to any extent, and by any form of participation,
7 interference, or assistance, financial or otherwise, either in its
8 organization, operation, or administration, is dominated or
9 controlled, sponsored or supervised, maintained, directed, or
10 financed by the employer.

11 (b) "Dispute" and "labor dispute" include, but are not limited
12 to, any controversy concerning terms, tenure, or conditions of
13 employment, or concerning the association or representation of
14 employees in negotiating, fixing, maintaining, or changing terms or
15 conditions of employment, regardless of whether the disputants
16 stand in the proximate relation of employer and employee.

17 (c) "Commission" means the employment relations commission
18 created by section 3.

19 (d) "Person" includes an individual, partnership, association,
20 corporation, business trust, labor organization, or any other
21 private entity.

22 (e) "Employee" includes any employee, and is not limited to
23 the employees of a particular employer, unless this act explicitly
24 provides otherwise, and includes any individual whose work has
25 ceased as a consequence of, or in connection with, any current
26 labor dispute or because of any act that is illegal under this act,
27 and who has not obtained any other regular and substantially
28 equivalent employment, but does not include ~~any individual employed~~

1 ~~as an agricultural laborer, or in the domestic service of any~~
2 ~~family or any person at the person's home, or any individual~~
3 employed by the person's parent or spouse, or any individual
4 employed as an executive or supervisor, or any individual employed
5 by an employer subject to the railway labor act, 45 USC 151 to 188,
6 or by any other person who is not an employer.

7 (f) "Employer" means a person and includes any person acting
8 as an agent of an employer, but does not include the United States
9 or any corporation wholly owned by the United States; any federal
10 reserve bank; any employer subject to the railway labor act, 45 USC
11 151 to 188; this state or a political subdivision of this state; or
12 any labor organization, or anyone acting in the capacity of officer
13 or agent of a labor organization, other than when acting as an
14 employer.

15 (g) "Labor organization" means any organization of any kind,
16 or any agency or employee representation committee or plan, in
17 which employees participate and that exists for the purpose, in
18 whole or in part, of dealing with employers concerning grievances,
19 labor disputes, wages, rates of pay, hours of employment, or
20 conditions of work.