

HOUSE BILL NO. 5678

April 25, 2024, Introduced by Reps. Bierlein, Kuhn, Maddock, Schuette, Hall, Outman, BeGole, Borton, Kunse, DeBoyer, Rigas, Harris, Smit, Tisdel, Carra, Wozniak, Zorn, DeBoer, Alexander, Bezotte, Friske, VanderWall, Meerman, Fox, Martin, Paquette and Beson and referred to the Committee on Government Operations.

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 sections 1, 2, 14, and 17 (MCL 423.1, 423.2, 423.14,

and 423.17), as amended by 2023 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. It is hereby declared as the public policy of this
2 state that the best interests of the people of the state are served
3 by **protecting their right to work in a manner consistent with**
4 **section 14(b) of the national labor relations act, 29 USC 164(b),**
5 **and** preventing or promptly settling labor disputes; that strikes
6 and lockouts and other forms of industrial strife, regardless of
7 where the merits of the controversy lie, are forces productive
8 ultimately of economic waste; that the interests and rights of the
9 consumers and the people of the state, while not direct parties
10 thereto, should always be considered, respected and protected; and
11 that the voluntary mediation of such disputes under the guidance
12 and supervision of a governmental agency will tend to promote
13 permanent industrial peace and the health, welfare, comfort and
14 safety of the people of the state.

15 Sec. 2. As used in this act:

16 (a) "Company union" includes any employee association,
17 committee, agency, or representation plan, formed or existing for
18 the purpose, in whole or in part, of dealing with employers
19 concerning grievances or terms and conditions of employment, which
20 in any manner or to any extent, and by any form of participation,
21 interference, or assistance, financial or otherwise, either in its
22 organization, operation, or administration, is dominated or
23 controlled, sponsored or supervised, maintained, directed, or
24 financed by the employer.

25 (b) "Dispute" and "labor dispute" include, but are not limited
26 to, any controversy concerning terms, tenure, or conditions of
27 employment, or concerning the association or representation of

1 employees in negotiating, fixing, maintaining, or changing terms or
2 conditions of employment, regardless of whether the disputants
3 stand in the proximate relation of employer and employee.

4 (c) "Commission" means the employment relations commission
5 created by section 3.

6 (d) "Person" includes an individual, partnership, association,
7 corporation, business trust, labor organization, or any other
8 private entity.

9 (e) "Employee" includes any employee, and is not limited to
10 the employees of a particular employer, unless this act explicitly
11 provides otherwise, and includes any individual whose work has
12 ceased as a consequence of, or in connection with, any current
13 labor dispute or because of any act that is illegal under this act,
14 and who has not obtained any other regular and substantially
15 equivalent employment, but does not include any individual employed
16 as an agricultural laborer, or in the domestic service of any
17 family or any person at the person's home, or any individual
18 employed by the person's parent or spouse, or any individual
19 employed as an executive or supervisor, or any individual employed
20 by an employer subject to the railway labor act, 45 USC 151 to 188,
21 or by any other person who is not an employer.

22 (f) "Employer" means a person and includes any person acting
23 as an agent of an employer, but does not include the United States
24 or any corporation wholly owned by the United States; any federal
25 reserve bank; any employer subject to the railway labor act, 45 USC
26 151 to 188; this state or a political subdivision of this state; ~~or~~
27 any labor organization, or anyone acting in the capacity of officer
28 or agent of a labor organization, other than when acting as an
29 employer; **or any entity subject to 1947 PA 336, MCL 423.201 to**

1 **423.217.**

2 (g) "Labor organization" means any organization of any kind,
3 or any agency or employee representation committee or plan, in
4 which employees participate and that exists for the purpose, in
5 whole or in part, of dealing with employers concerning grievances,
6 labor disputes, wages, rates of pay, hours of employment, or
7 conditions of work.

8 Sec. 14. ~~(1) An employer and a labor organization may enter
9 into a collective bargaining agreement that requires all employees
10 in the bargaining unit to share fairly in the financial support of
11 the labor organization. This act does not, and a law or policy of a
12 local government must not, prohibit or limit an agreement that
13 requires all bargaining unit employees, as a condition of continued
14 employment, to pay to the labor organization membership dues or
15 service fees.~~

16 ~~(2) For fiscal year 2022-2023, \$1,000,000.00 is appropriated
17 to the department of labor and economic opportunity to be expended
18 to do all of the following regarding the 2023 amendatory act that
19 added this sentence:~~

20 ~~(a) Respond to public inquiries regarding the amendatory act.~~

21 ~~(b) Provide the commission with sufficient staff and other
22 resources to implement the amendatory act.~~

23 ~~(c) Inform employers, employees, and labor organizations about
24 changes to their rights and responsibilities under the amendatory
25 act.~~

26 ~~(d) Any other purposes that the director of the department of
27 labor and economic opportunity determines in the director's sole
28 discretion are necessary to implement the amendatory act.~~

29 **(1) An individual shall not be required as a condition of**

1 obtaining or continuing employment to do any of the following:

2 (a) Refrain or resign from membership in, voluntary
3 affiliation with, or voluntary financial support of a labor
4 organization.

5 (b) Become or remain a member of a labor organization.

6 (c) Pay any dues, fees, assessments, or other charges or
7 expenses of any kind or amount or provide anything of value to a
8 labor organization.

9 (d) Pay to any charitable organization or third party an
10 amount that is in lieu of, equivalent to, or any portion of dues,
11 fees, assessments, or other charges or expenses required of members
12 of or employees represented by a labor organization.

13 (2) An agreement, contract, understanding, or practice between
14 or involving an employer and a labor organization that violates
15 subsection (1) is unlawful and unenforceable. This subsection
16 applies only to an agreement, contract, understanding, or practice
17 that takes effect or is extended or renewed after the effective
18 date of the amendatory act that added this sentence.

19 (3) Subsections (1) and (2) must be implemented to the maximum
20 extent permitted by the United States Constitution and federal law.

21 (4) The court of appeals has exclusive original jurisdiction
22 over any action challenging the validity of subsection (1), (2), or
23 (3). The court of appeals shall hear the action in an expedited
24 manner.

25 (5) A person, employer, or labor organization that violates
26 subsection (1) is subject to a civil fine of not more than \$500.00.
27 The prosecutor of the county in which the violation occurred or the
28 attorney general may bring an action to collect the fine. A fine
29 collected under this subsection must be deposited in the general

1 fund.

2 (6) Except for actions required to be brought under subsection
3 (4), a person who suffers an injury as a result of a violation or
4 threatened violation of subsection (1) may bring a civil action for
5 damages, injunctive relief, or both. In addition, a court shall
6 award court costs and reasonable attorney fees to a plaintiff who
7 prevails in an action brought under this subsection. Remedies
8 provided for in this subsection are independent of and in addition
9 to other penalties and remedies prescribed by this act.

10 Sec. 17. (1) A person shall not by force, intimidation, or
11 unlawful threats compel or attempt to compel any person to do any
12 of the following:

13 (a) Become or remain a member of a labor organization or
14 otherwise affiliate with or financially support a labor
15 organization.

16 (b) Refrain from **engaging in employment or refrain from**
17 joining a labor organization or otherwise affiliating with or
18 financially supporting a labor organization.

19 (c) Pay to any charitable organization or third party an
20 amount that is in lieu of, equivalent to, or any portion of dues,
21 fees, assessments, or other charges or expenses required of members
22 of or employees represented by a labor organization.

23 (2) A person who violates this section is subject to a civil
24 fine of not more than \$500.00. The prosecutor of the county in
25 which the violation occurred or the attorney general may bring an
26 action to collect the fine. A fine collected under this subsection
27 must be deposited in the general fund.