



# HOUSE BILL No. 4019

January 11, 1995, Introduced by Rep. Clack and referred to the Committee on Human Resources and Labor.

A bill to amend section 16 of Act No. 176 of the Public Acts of 1939, entitled as amended

"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; and to prescribe means of enforcement and penalties for violations of this act,"

being section 423.16 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1.   Section 16 of Act No. 176 of the Public Acts of  
2 1939, being section 423.16 of the Michigan Compiled Laws, is  
3 amended to read as follows:

1        Sec. 16. ~~It shall be unlawful for an~~ AN employer or ~~any~~  
 2 AN officer or agent of an employer ~~(1) to interfere~~ SHALL NOT  
 3 DO ANY OF THE FOLLOWING:

4        (A) INTERFERE with, restrain, or coerce employees in the  
 5 exercise of their rights guaranteed in section 8. ~~;(2) to~~  
 6 ~~initiate~~

7        (B) INITIATE, create, dominate, contribute to, or interfere  
 8 with the formation or administration of ~~;~~ any labor  
 9 organization. ~~;. Provided, That~~ THIS SUBDIVISION DOES NOT  
 10 PROHIBIT an employer ~~shall not be prohibited~~ from permitting  
 11 employees to confer with him OR HER during working hours without  
 12 loss of time or pay. ~~;(3) to discriminate~~

13        (C) DISCRIMINATE in regard to ~~hire,~~ HIRING OR terms or  
 14 ~~other~~ conditions of employment in order to encourage or dis-  
 15 courage membership in ~~any~~ A labor organization. ~~;(4) to~~  
 16 ~~encourage~~

17        (D) ENCOURAGE membership in, or initiate, create, dominate,  
 18 or contribute to, a company union. ~~;(5) to discriminate~~

19        (E) DISCRIMINATE against any employee because he OR SHE has  
 20 given testimony or instituted a proceeding under this act. ~~;~~ ~~or~~  
 21 ~~(6) to refuse~~

22        (F) REFUSE to bargain collectively with ~~the~~ A representa-  
 23 tive of his OR HER employees, subject to ~~the provisions of~~ sec-  
 24 tion 26.

25        (G) OFFER OR GRANT THE STATUS OF A PERMANENT REPLACEMENT  
 26 EMPLOYEE TO AN INDIVIDUAL FOR PERFORMING BARGAINING UNIT WORK FOR  
 27 THE EMPLOYER DURING A LABOR DISPUTE, OR OTHERWISE OFFER OR GRANT

1 AN INDIVIDUAL ANY EMPLOYMENT PREFERENCE BASED ON THE FACT THAT  
2 THE INDIVIDUAL WAS EMPLOYED OR INDICATED A WILLINGNESS TO BE  
3 EMPLOYED DURING A LABOR DISPUTE OVER AN INDIVIDUAL WHO MEETS ALL  
4 OF THE FOLLOWING REQUIREMENTS:

5 (i) WAS AN EMPLOYEE OF THE EMPLOYER AT THE COMMENCEMENT OF  
6 THE LABOR DISPUTE.

7 (ii) HAS EXERCISED THE RIGHT TO JOIN, ASSIST, OR ENGAGE IN  
8 OTHER CONCERTED ACTIVITIES FOR THE PURPOSE OF COLLECTIVE BARGAIN-  
9 ING OR OTHER MUTUAL AID OR PROTECTION THROUGH THE LABOR ORGANIZA-  
10 TION INVOLVED IN THE LABOR DISPUTE.

11 (iii) IS WORKING FOR, OR HAS UNCONDITIONALLY OFFERED TO  
12 RETURN TO WORK FOR, THE EMPLOYER.