

HOUSE BILL No. 5710

March 19, 1998, Introduced by Rep. Goschka and referred to the Committee on Labor and Occupational Safety.

A bill to amend 1969 PA 312, entitled

"An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof," by amending the title and sections 1, 2, 3, and 10 (MCL 423.231, 423.232, 423.233, and 423.240).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for compulsory arbitration of labor dis-

3

putes in municipal police and fire departments AND THE PUBLIC

4

SCHOOLS; ~~to define such public departments;~~ to provide for the

5

selection of members of arbitration panels; to prescribe the pro-

6

cedures and authority ~~thereof~~ OF ARBITRATION PANELS; and to

7

provide for the enforcement and review of ARBITRATION awards.

8

~~thereof.~~

1 Sec. 1. It is the public policy of this state that in
2 public police and fire departments AND IN THE PUBLIC SCHOOLS,
3 ~~where~~ IN WHICH the right of employees to strike is by law pro-
4 hibited, it is requisite to the high morale of ~~such~~ THOSE
5 employees and the efficient operation of ~~such~~ POLICE AND FIRE
6 departments AND SCHOOLS to afford an alternate, expeditious,
7 effective, and binding procedure for the resolution of disputes,
8 and to that end the provisions of this act, providing for compul-
9 sory arbitration, shall be liberally construed.

10 Sec. 2. ~~-(1) Public police and fire departments means any~~
11 ~~department of a city, county, village, or township having employ-~~
12 ~~ees engaged as policemen, or in fire fighting or subject to the~~
13 ~~hazards thereof, emergency medical service personnel employed by~~
14 ~~a police or fire department, or an emergency telephone operator~~
15 ~~employed by a police or fire department.~~ AS USED IN THIS ACT:

16 (A) ~~-(2) Emergency medical service personnel for purposes of~~
17 ~~this act includes a person who provides~~ "EMERGENCY MEDICAL SERV-
18 ICE PERSONNEL" MEANS EMPLOYEES WHO PROVIDE assistance at dis-
19 patched or observed medical emergencies occurring outside a rec-
20 ognized medical facility including instances of heart attack,
21 stroke, injury accidents, electrical accidents, drug overdoses,
22 imminent childbirth, and other instances ~~where~~ IN WHICH there
23 is the possibility of death or further injury; ~~initiates~~
24 INITIATE stabilizing treatment or transportation of injured from
25 the emergency site; and ~~notifies~~ NOTIFY police or interested
26 departments of certain situations encountered including criminal
27 matters, poisonings, and the report of contagious diseases.

1 Emergency ~~telephone operator for the purpose of this act~~
2 ~~includes~~ MEDICAL SERVICE PERSONNEL DOES NOT INCLUDE A PERSON WHO
3 IS EMPLOYED BY A PRIVATE EMERGENCY MEDICAL SERVICE WORKING UNDER
4 A CONTRACT WITH A GOVERNMENTAL UNIT OR A PERSON WHO WORKS IN AN
5 EMERGENCY SERVICE ORGANIZATION WHOSE DUTIES ARE SOLELY OF AN
6 ADMINISTRATIVE OR SUPPORTING NATURE AND WHO DOES NOT OTHERWISE
7 MEET THE REQUIREMENTS OF THIS SUBDIVISION.

8 (B) "EMERGENCY TELEPHONE OPERATOR" MEANS a person employed
9 by a police or fire department for the purpose of relaying emer-
10 gency calls to police, fire, or emergency medical service
11 personnel.

12 ~~(3) This act shall not apply to persons employed by a pri-~~
13 ~~vate emergency medical service company who work under a contract~~
14 ~~with a governmental unit or personnel working in an emergency~~
15 ~~service organization whose duties are solely of an administrative~~
16 ~~or supporting nature and who are not otherwise qualified under~~
17 ~~subsection (2).~~

18 (C) "INTERMEDIATE SCHOOL DISTRICT" MEANS THAT TERM AS
19 DEFINED IN SECTION 4 OF THE REVISED SCHOOL CODE, 1976 PA 451,
20 MCL 380.4.

21 (D) "PUBLIC POLICE AND FIRE DEPARTMENTS" MEANS ANY DEPART-
22 MENT OF A CITY, COUNTY, VILLAGE, OR TOWNSHIP THAT HAS EMPLOYEES
23 ENGAGED AS POLICE OFFICERS OR FIRE FIGHTERS, OR HAS EMPLOYEES WHO
24 ARE SUBJECT TO THE HAZARDS OF FIRE FIGHTING. EMERGENCY MEDICAL
25 SERVICE PERSONNEL AND EMERGENCY TELEPHONE OPERATORS EMPLOYED BY A
26 POLICE OR FIRE DEPARTMENT ARE CONSIDERED EMPLOYEES OF POLICE AND
27 FIRE DEPARTMENTS WHO ARE SUBJECT TO THIS ACT.

1 (E) "PUBLIC SCHOOL" MEANS A SCHOOL DISTRICT, INTERMEDIATE
2 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY, OR A JOINT ENDEAVOR OR
3 CONSORTIUM CONSISTING OF ANY COMBINATION OF SCHOOL DISTRICTS,
4 INTERMEDIATE SCHOOL DISTRICTS, OR PUBLIC SCHOOL ACADEMIES.

5 (F) "PUBLIC SCHOOL ACADEMY" MEANS A PUBLIC SCHOOL ACADEMY
6 ORGANIZED UNDER PART 6A OF THE REVISED SCHOOL CODE, 1976 PA 451,
7 MCL 380.501 TO 380.507.

8 (G) "SCHOOL DISTRICT" MEANS THAT TERM AS DEFINED IN SECTION
9 6 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.6, OR A LOCAL
10 ACT SCHOOL DISTRICT AS DEFINED IN SECTION 5 OF THE REVISED SCHOOL
11 CODE, 1976 PA 451, MCL 380.5.

12 Sec. 3. ~~Whenever~~ IF in the course of mediation of A DIS-
13 PUTE, OTHER THAN A GRIEVANCE DISPUTE, BETWEEN a public police or
14 fire department ~~employee's dispute, except a dispute concerning~~
15 ~~the interpretation or application of an existing agreement (a~~
16 ~~"grievance" dispute)~~ OR BETWEEN A PUBLIC SCHOOL AND ITS
17 EMPLOYEES, the dispute has not been resolved to the agreement of
18 both parties within 30 days ~~of~~ AFTER the submission of the dis-
19 pute to mediation, or within ~~such further~~ additional periods to
20 which the parties may agree, the employees or employer may initi-
21 ate binding arbitration proceedings UNDER THIS ACT by ~~prompt~~
22 MAKING A WRITTEN request ~~therefor, in writing,~~ to the other ~~—~~
23 ~~with~~ PARTY AND PROVIDING A copy to the employment relations
24 commission. AS USED IN THIS SECTION, "GRIEVANCE DISPUTE" MEANS A
25 DISPUTE CONCERNING THE INTERPRETATION OR APPLICATION OF AN EXIST-
26 ING AGREEMENT.

1 Sec. 10. A majority decision of the arbitration panel, if
2 supported by competent, material, and substantial evidence on the
3 whole record, ~~shall be~~ IS final and binding upon the parties,
4 and may be enforced ~~, at the instance of~~ BY either party or
5 ~~of~~ BY the arbitration panel in the circuit court for the county
6 in which the dispute arose or in which a majority of the affected
7 employees reside. The commencement of a new municipal OR SCHOOL
8 fiscal year after the initiation of arbitration procedures under
9 this act, but before the arbitration decision ~~, or its~~
10 enforcement OF THE ARBITRATION DECISION, ~~shall~~ DOES not ~~be~~
11 ~~deemed to~~ render a dispute moot ~~, or to otherwise~~ impair the
12 jurisdiction or authority of the arbitration panel or its
13 decision. Increases in rates of compensation or other benefits
14 may be awarded retroactively to the commencement of any
15 ~~period(s)~~ PERIOD OR PERIODS in dispute, NOTWITHSTANDING any
16 other statute or charter provisions to the contrary.
17 ~~notwithstanding. At any time the~~ THE parties ~~, by~~
18 ~~stipulation,~~ may STIPULATE TO amend or modify an award of arbi-
19 tration AT ANY TIME.