

HOUSE BILL No. 5101

June 16, 2009, Introduced by Reps. LeBlanc, Meadows and Gregory and referred to the Committee on Labor.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2170.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2170. (1) EXCEPT AS PROVIDED UNDER SUBSECTION (2), A
2 UNION AGENT, DURING OR AFTER TERMINATION OF AN AGENCY OR
3 REPRESENTATIVE RELATIONSHIP WITH A BARGAINING UNIT MEMBER, SHALL
4 NOT BE COMPELLED TO DISCLOSE, IN A COURT OR ADMINISTRATIVE ACTION,
5 ARBITRATION, OR PROCEEDING, WHETHER CIVIL OR CRIMINAL, ANY
6 INFORMATION THE UNION AGENT ACQUIRED IN THE COURSE OF HIS OR HER
7 PROFESSIONAL DUTIES OR WHILE ACTING IN HIS OR HER REPRESENTATIVE
8 CAPACITY.

9 (2) A UNION AGENT MAY DISCLOSE INFORMATION THAT IS PROTECTED

1 UNDER SUBSECTION (1) IN ANY OF THE FOLLOWING CIRCUMSTANCES:

2 (A) TO THE EXTENT THE DISCLOSURE APPEARS NECESSARY TO PREVENT
3 THE COMMISSION OF A CRIME THAT IS LIKELY TO RESULT IN A CLEAR,
4 IMMINENT RISK OF SERIOUS PHYSICAL INJURY OR DEATH OF ANOTHER
5 PERSON.

6 (B) IN A CIVIL ACTION OR CRIMINAL PROCEEDING AGAINST THE UNION
7 AGENT IN HIS OR HER PERSONAL OR OFFICIAL REPRESENTATIVE CAPACITY,
8 THE INTERNATIONAL OR LOCAL UNION, AN AFFILIATED OR SUBORDINATE BODY
9 OF THE INTERNATIONAL OR LOCAL UNION, OR AN AGENT OF ANY OF THOSE
10 ENTITIES IN THE AGENT'S PERSONAL OR OFFICIAL REPRESENTATIVE
11 CAPACITY.

12 (C) IF THE DISCLOSURE IS REQUIRED BY A COURT ORDER.

13 (D) IF, AFTER BEING FULLY INFORMED OF THE CIRCUMSTANCES AND
14 THE RIGHTS PROVIDED BY THIS SECTION, THE BARGAINING UNIT MEMBER OR,
15 IF THE BARGAINING UNIT MEMBER IS DECEASED OR HAS BEEN DETERMINED BY
16 A COURT TO BE LEGALLY INCAPACITATED, THE PERSONAL REPRESENTATIVE,
17 GUARDIAN, OR OTHER APPROPRIATE REPRESENTATIVE CONSENTS IN WRITING
18 OR ORALLY TO THE DISCLOSURE.

19 (3) IF THE APPLICATION OF THIS SECTION WOULD CONFLICT WITH ANY
20 FEDERAL OR STATE LABOR LAW, THIS SECTION IS INAPPLICABLE AND THE
21 FEDERAL OR STATE LABOR LAW CONTROLS.