

HOUSE BILL No. 5858

September 11, 2012, Introduced by Reps. MacGregor, McMillin, Kowall, Yonker, Agema, Jacobsen, Pscholka and Bumstead and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to prohibit local units of government from adopting ordinances or regulations that infringe on federal labor laws; to prohibit employers and labor organizations from waiving rights under this act; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "labor
2 and management rights protection act".

3 Sec. 2. As used in this act:

4 (a) "Employer" means a person, association, or legal or
5 commercial entity receiving services from an employee and, in
6 return, giving compensation of any kind to that employee.

7 (b) "Federal labor laws" means the national labor relations

1 act, 29 USC 151 to 169; the labor management relations act of 1947,
2 29 USC 141 to 197; presidential executive orders relating to labor
3 and management or employee and employer issues; and the United
4 States constitution.

5 (c) "Governmental body" means any local government or its
6 subdivision, including, but not limited to, a city, village,
7 township, or county; any public authority, agency, board,
8 commission or other governmental, quasi-governmental, or quasi-
9 public body; or any public body that acts or purports to act in a
10 commercial, business, economic development, or similar capacity for
11 a local government or its subdivision.

12 Sec. 3. A governmental body shall not pass any law, ordinance,
13 or regulation, or impose any contractual, zoning, permitting,
14 licensing, or other condition, on an employer's or employee's full
15 freedom to act under the federal labor laws. Actions prohibited
16 under this section include, but are not limited to, the following:

17 (a) Conditioning any purchase, sale, lease, or other business
18 or commercial transaction between any employers on waiver or
19 limitation of any right those employers may have under federal
20 labor laws.

21 (b) Conditioning a regulatory, zoning, permitting, licensing,
22 or other governmental requirement of an employer on the waiver or
23 limitation of any right the employer may have under federal labor
24 laws.

25 (c) Enacting an ordinance, regulation, or other action that
26 waives or limits any right the employer may have under federal
27 labor laws.

1 (d) Conditioning or regulating an employer's dealings with
2 another employer based upon waiver or limitation of any right
3 either employer may have under the federal labor laws.

4 Sec. 4. The rights protected under the federal labor laws
5 include, but are not limited to, the following:

6 (a) An employer's or employee's right to express views on
7 unionization and any other labor relations issues to the full
8 extent allowed by the First Amendment to the United States
9 constitution and section 8(c) of the national labor relations act,
10 29 USC 158(c).

11 (b) An employer's right to demand, and an employee's right to
12 participate in, a secret ballot election under federal labor laws,
13 including, without limitation, the procedural protections afforded
14 by federal labor laws for defining the unit, conducting the
15 election campaign and election, and making any challenges or
16 objections permitted under federal labor laws.

17 (c) An employer's right to not release employee information to
18 the maximum extent allowed by federal labor laws.

19 (d) An employee's right to maintain the confidentiality of his
20 or her employee information to the maximum extent allowed by
21 federal labor laws.

22 (e) An employer's right to restrict access to its property or
23 business to the maximum extent allowed by federal labor laws.

24 Sec. 5. (1) Any agreement, contract, understanding, or
25 practice, whether written or oral or whether implied or express,
26 between an employer and a labor organization to waive any right
27 under this act is unlawful, null and void, and of no legal effect.

1 (2) An employer or employee may obtain injunctive relief to
2 enforce compliance with this act.