

# HOUSE BILL NO. 4439

April 20, 2023, Introduced by Reps. Bezotte, Wozniak, Borton, BeGole, Mueller, Harris, Breen, Shannon, Steckloff, Tyrone Carter, Liberati, Weiss, Hope, Snyder, McFall, Mentzer, Tsernoglou, Andrews, Rogers, Hood, Rheingans, Wilson, Wegela, MacDonell, Conlin, Brabec, St. Germaine, Schmaltz, Roth, Koleszar, Glanville, Hill, Outman, Zorn, Tisdell and Steele and referred to the Committee on Criminal Justice.

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 sections 5 and 7a (MCL 423.235 and 423.237a), section 5 as amended by 2011 PA 116.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5. (1) ~~Within~~ **Not later than** 7 days ~~of~~ **after** a request  
2 from 1 or both parties, the employment relations commission shall  
3 select from its panel of arbitrators, as provided in subsection  
4 (2), 3 persons as nominees for impartial arbitrator or ~~chairman~~  
5 **chair** of the arbitration panel. ~~Within~~ **Not later than** 5 days after  
6 the selection, each party may peremptorily strike the name of 1 of  
7 the nominees. ~~Within~~ **Not later than** 7 days after this 5-day period,  
8 the commission shall designate 1 of the remaining nominees as the  
9 impartial arbitrator or ~~chairman~~ **chair** of the arbitration panel.

10           (2) The employment relations commission shall establish and  
11 appoint a panel of arbitrators, ~~who shall be known as the Michigan~~  
12 employment relations commission panel of arbitrators. The  
13 commission shall appoint members for indefinite terms. Members  
14 shall be impartial, competent, and reputable citizens of the United  
15 States and residents of ~~the~~ **this** state, and shall qualify by taking  
16 and subscribing the constitutional oath or affirmation of office.  
17 The commission may at any time appoint additional members to the  
18 panel of arbitrators ~~and~~ may remove existing members without  
19 cause.

20           (3) The employment relations commission shall establish the  
21 qualifications and training that are necessary for an individual to  
22 serve as the chair of an arbitration panel under this act. The  
23 commission may waive the qualifications and training requirements  
24 for an individual who has served as a commission-appointed chair of  
25 an arbitration panel in an arbitration proceeding under this act  
26 before ~~the effective date of the amendatory act that added this~~  
27 ~~subsection.~~ **July 20, 2011.**

28           Sec. 7a. At any time before the rendering of an award, the  
29 ~~chairman~~ **chair** of the arbitration panel, if ~~he~~ **the chair** is of the

1 opinion that it would be useful or beneficial to do so, may remand  
2 the dispute to the parties for further collective bargaining for a  
3 period not to exceed 3 weeks. If the dispute is remanded for  
4 further collective bargaining, the time provisions of this act  
5 ~~shall be~~**are** extended for a time period equal to that of the  
6 remand. The ~~chairman~~**chair** of the panel of arbitration shall notify  
7 the employment relations commission of the remand.

8       Enacting section 1. This amendatory act does not take effect  
9 unless House Bill No. 4438 of the 102nd Legislature is enacted into  
10 law.