

HOUSE BILL NO. 4584

May 16, 2023, Introduced by Reps. Martin, Bierlein and Bezotte and referred to the Committee on Government Operations.

A bill to amend 1947 PA 336, entitled

"An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,"

by amending section 10 (MCL 423.210), as amended by 2023 PA 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10. (1) A public employer or an officer or agent of a
2 public employer shall not do any of the following:

3 (a) Interfere with, restrain, or coerce public employees in
4 the exercise of their rights guaranteed in section 9.

5 (b) Initiate, create, dominate, contribute to, or interfere
6 with the formation or administration of any labor organization. A
7 public school employer's use of public school resources to assist a
8 labor organization in collecting dues or service fees from wages of
9 public school employees is a prohibited contribution to the
10 administration of a labor organization. However, a public school
11 employer's collection of dues or service fees pursuant to a
12 collective bargaining agreement that is in effect on March 16, 2012
13 is not prohibited until the agreement expires or is terminated,
14 extended, or renewed. A public employer may permit employees to
15 confer with a labor organization during working hours without loss
16 of time or pay.

17 (c) Discriminate in regard to hire, terms, or other conditions
18 of employment to encourage or discourage membership in a labor
19 organization. However, this act or any other law of this state does
20 not preclude a public employer from making an agreement with an
21 exclusive bargaining representative as described in section 11 to
22 require as a condition of employment that all other employees in
23 the bargaining unit pay to the exclusive bargaining representative
24 a service fee equivalent to the amount of dues uniformly required
25 of members of the exclusive bargaining representative. **An agreement**
26 **described in this subdivision must provide for both of the**
27 **following:**

28 (i) **That if an officer of the exclusive bargaining**

1 representative for the unit is convicted of a felony related to the
2 finances of the exclusive bargaining representative, a public
3 employee in the unit is not required to pay any dues or fees to the
4 exclusive bargaining representative.

5 (ii) That if an officer of the regional or national office of
6 the exclusive bargaining representative is convicted of a felony
7 related to the finances of the exclusive bargaining representative,
8 a public employee in the unit is not required to pay to the
9 exclusive bargaining representative the portion of the public
10 employee's dues or fees that would otherwise be remitted to the
11 regional or national office.

12 (d) Discriminate against a public employee because he or she
13 has given testimony or instituted proceedings under this act.

14 (e) Refuse to bargain collectively with the representatives of
15 its public employees, subject to section 11.

16 (2) It is the purpose of 1973 PA 25 to reaffirm the continuing
17 public policy of this state that the stability and effectiveness of
18 labor relations in the public sector require, if the requirement is
19 negotiated with the public employer, that all other employees in
20 the bargaining unit share fairly in the financial support of their
21 exclusive bargaining representative by paying to the exclusive
22 bargaining representative a service fee that may be equivalent to
23 the amount of dues uniformly required of members of the exclusive
24 bargaining representative.

25 (3) A labor organization or its agents shall not do any of the
26 following:

27 (a) Restrain or coerce public employees in the exercise of the
28 rights guaranteed in section 9. This subdivision does not impair
29 the right of a labor organization to prescribe its own rules with

1 respect to the acquisition or retention of membership.

2 (b) Restrain or coerce a public employer in the selection of
3 its representatives for the purposes of collective bargaining or
4 the adjustment of grievances.

5 (c) Cause or attempt to cause a public employer to
6 discriminate against a public employee in violation of subsection
7 (1)(c).

8 (d) Refuse to bargain collectively with a public employer, if
9 it is the representative of the public employer's employees,
10 subject to section 11.

11 (4) By July 1 of each year, each exclusive bargaining
12 representative that represents public employees in this state shall
13 have an independent examiner verify the exclusive bargaining
14 representative's calculation of all expenditures attributed to the
15 costs of collective bargaining, contract administration, and
16 grievance adjustment during the prior calendar year and shall file
17 that verification with the commission. The commission shall make
18 the exclusive bargaining representative's calculations available to
19 the public on the commission's website. The exclusive bargaining
20 representative shall also file a declaration identifying the local
21 bargaining units that are represented. Local bargaining units
22 identified in the declaration filed by the exclusive bargaining
23 representative are not required to file a separate calculation of
24 all expenditures attributed to the costs of collective bargaining,
25 contract administration, and grievance adjustment.

26 (5) ~~A-Subject to subsection (1)(c),~~ a public employer and a
27 bargaining representative may enter into a collective bargaining
28 agreement that requires all public employees in the bargaining unit
29 to share equally in the financial support of the bargaining

1 representative. This act does not, and a law or policy of a local
 2 government must not, prohibit or limit an agreement that requires
 3 public employees in the bargaining unit, as a condition of
 4 continued employment, to pay to the bargaining representative
 5 membership dues or service fees. This subsection becomes effective
 6 immediately upon, and applies to the extent permitted by, either of
 7 the following:

8 (a) A decision or ruling by the United States Supreme Court
 9 that reverses or limits, in whole or in part, *Janus v AFSCME,*
 10 *Council 31, ___US___*; 138 S Ct 2448 (2018).

11 (b) The ratification of an amendment to the United States
 12 Constitution that restores the ability to require, as a condition
 13 of employment, a public employee who is not a member of a
 14 bargaining representative to pay, under any circumstances, fees,
 15 including agency fees, to the bargaining representative.

16 ~~(6) For fiscal year 2022-2023, \$1,000,000.00 is appropriated~~
 17 ~~to the department of labor and economic opportunity to be expended~~
 18 ~~to do all of the following regarding the 2023 amendatory act that~~
 19 ~~added this sentence:~~

20 ~~(a) Respond to public inquiries regarding the amendatory act.~~

21 ~~(b) Provide the commission with sufficient staff and other~~
 22 ~~resources to implement the amendatory act.~~

23 ~~(c) Inform public employers, public employees, and bargaining~~
 24 ~~representatives about changes to their rights and responsibilities~~
 25 ~~under the amendatory act.~~

26 ~~(d) Any other purposes that the director of the department of~~
 27 ~~labor and economic opportunity determines in the director's sole~~
 28 ~~discretion are necessary to implement the amendatory act.~~