

EMPLOYMENT RELATIONS COMMISSION (EXCERPT)
Act 176 of 1939

***** 423.2.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF
THE 2023 REGULAR SESSION SINE DIE *****

423.2.amended Definitions.

Sec. 2. As used in this act:

(a) "Company union" includes any employee association, committee, agency, or representation plan, formed or existing for the purpose, in whole or in part, of dealing with employers concerning grievances or terms and conditions of employment, which in any manner or to any extent, and by any form of participation, interference, or assistance, financial or otherwise, either in its organization, operation, or administration, is dominated or controlled, sponsored or supervised, maintained, directed, or financed by the employer.

(b) "Dispute" and "labor dispute" include, but are not limited to, any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of employees in negotiating, fixing, maintaining, or changing terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(c) "Commission" means the employment relations commission created by section 3.

(d) "Person" includes an individual, partnership, association, corporation, business trust, labor organization, or any other private entity.

(e) "Employee" includes any employee, and is not limited to the employees of a particular employer, unless this act explicitly provides otherwise, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any act that is illegal under this act, and who has not obtained any other regular and substantially equivalent employment, but does not include any individual employed as an agricultural laborer, or in the domestic service of any family or any person at the person's home, or any individual employed by the person's parent or spouse, or any individual employed as an executive or supervisor, or any individual employed by an employer subject to the railway labor act, 45 USC 151 to 188, or by any other person who is not an employer.

(f) "Employer" means a person and includes any person acting as an agent of an employer, but does not include the United States or any corporation wholly owned by the United States; any federal reserve bank; any employer subject to the railway labor act, 45 USC 151 to 188; this state or a political subdivision of this state; or any labor organization, or anyone acting in the capacity of officer or agent of a labor organization, other than when acting as an employer.

(g) "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

History: 1939, Act 176, Imd. Eff. June 8, 1939;—CL 1948, 423.2;—Am. 1949, Act 230, Imd. Eff. May 31, 1949;—Am. 1969, Act 181, Imd. Eff. Aug. 5, 1969;—Am. 1976, Act 17, Imd. Eff. Feb. 20, 1976;—Am. 1978, Act 250, Imd. Eff. June 20, 1978;—Am. 2012, Act 348, Eff. Mar. 28, 2013;—Am. 2023, Act 8, Eff. (sine die).

Compiler's note: Enacting section 1 of Act 348 of 2012 provides:

"Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act."