

# SENATE BILL No. 337

May 14, 2015, Introduced by Senators MACGREGOR, SCHMIDT, COLBECK, PROOS, BRANDENBURG, HUNE, PAVLOV, MEEKHOF and KNOLLENBERG and referred to the Committee on Michigan Competitiveness.

A bill to limit the powers of local governmental units regarding the regulation of terms and conditions of employment within local government boundaries for employees of nonpublic employers.

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

1           Sec. 1. This act shall be known and may be cited as the "local  
2 government labor regulatory limitation act".

3           Sec. 2. The legislature finds and declares that consistent  
4 regulation of the wages and benefits of nonpublic employees is a  
5 matter of state concern and is outside the express or implied  
6 authority of local units of government to regulate, absent express  
7 delegation of that authority to the local unit of government.

8           Sec. 3. As used in this act:

9           (a) "Educational institution" means any of the following:

1 (i) A school district, an intermediate school district, or a  
2 public school academy as those terms are defined in sections 4 to 6  
3 of the revised school code, 1976 PA 451, MCL 380.4 to 380.6.

4 (ii) A community college established under the community  
5 college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or under  
6 part 25 of the revised school code, 1976 PA 451, MCL 380.1601 to  
7 1607.

8 (b) "Employee" means a person employed in this state by an  
9 employer.

10 (c) "Employer" means a person or entity engaging in a  
11 commercial activity, enterprise, or business in this state, but  
12 excludes public employers.

13 (d) "Local policy" does not include the terms of an agreement  
14 voluntarily offered by a prospective purchaser or developer of  
15 eligible property pursuant to the brownfield redevelopment  
16 financing act, 1996 PA 381, MCL 125.2651 to 125.2672.

17 (e) "Local unit of government" means any local government or  
18 its subdivision, including, but not limited to, a city, village,  
19 township, county, or educational institution; a public authority,  
20 agency, board, commission, or other governmental, quasi-  
21 governmental, or quasi-public body; or a public body that acts or  
22 purports to act in a commercial, business, economic development, or  
23 similar capacity for a local government or its subdivision.

24 Sec. 4. A local unit of government shall not adopt, enforce,  
25 or administer an ordinance, local policy, or local resolution  
26 regulating the relationship between an employer and its employees  
27 or potential employees if the regulation contains requirements

1 exceeding those imposed by state or federal law.

2       Sec. 5. A local unit of government shall not adopt, enforce,  
3 or administer an ordinance, local policy, or local resolution  
4 regulating information an employer or potential employer must  
5 request, require, or exclude on an application for employment from  
6 an employee or a potential employee.

7       Sec. 6. A local unit of government shall not adopt, enforce,  
8 or administer an ordinance, local policy, or local resolution  
9 requiring an employer pay to an employee a wage higher than the  
10 state minimum hourly wage rate determined under section 4 of the  
11 workforce opportunity wage act, 2014 PA 138, MCL 408.414, or, if  
12 applicable to the employer, the minimum wage provisions of the fair  
13 labor standards act of 1938, 29 USC 201 to 219, unless those  
14 federal minimum wage provisions would result in a lower minimum  
15 hourly wage than provided under state law.

16       Sec. 7. A local unit of government shall not adopt, enforce,  
17 or administer an ordinance, local policy, or local resolution  
18 requiring an employer pay to an employee a wage or fringe benefit  
19 based on wage and fringe benefit rates prevailing in the locality.  
20 This section does not apply to state projects subject to 1965 PA  
21 166, MCL 408.551 to 408.558.

22       Sec. 8. A local unit of government shall not adopt, enforce,  
23 or administer an ordinance, local policy, or local resolution  
24 regulating work stoppage or strike activity of employers and their  
25 employees or the means by which employees may organize.

26       Sec. 9. A local unit of government shall not adopt, enforce,  
27 or administer an ordinance, local policy, or local resolution

1 requiring an employer provide to an employee paid or unpaid leave  
2 time.

3       Sec. 10. A local unit of government shall not adopt, enforce,  
4 or administer an ordinance, local policy, or local resolution  
5 regulating hours and scheduling that an employer is required to  
6 provide to employees.

7       Sec. 11. A local unit of government shall not adopt, enforce,  
8 or administer an ordinance, local policy, or local resolution  
9 requiring an employer to provide to an employee any specific fringe  
10 benefit or any other benefit for which the employer would incur an  
11 expense, including, but not limited to, those enumerated in  
12 sections 7 to 10.

13       Enacting section 1. This act takes effect 90 days after the  
14 date it is enacted into law.