

**SUBSTITUTE FOR
HOUSE BILL NO. 4233**

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

1 with the formation or administration of ~~any~~**a** labor organization. ~~A~~
2 ~~public school employer's use of public school resources to assist a~~
3 ~~labor organization in collecting dues or service fees from wages of~~
4 ~~public school employees is a prohibited contribution to the~~
5 ~~administration of a labor organization. However, a public school~~
6 ~~employer's collection of dues or service fees pursuant to a~~
7 ~~collective bargaining agreement that is in effect on March 16, 2012~~
8 ~~is not prohibited until the agreement expires or is terminated,~~
9 ~~extended, or renewed.~~ A public employer may ~~permit~~**allow** employees
10 to confer with a labor organization during working hours without
11 loss of time or pay.

12 (c) Discriminate in regard to ~~hire,~~**hiring**, terms, or other
13 conditions of employment to encourage or discourage membership in a
14 labor organization. However, this act or any other law of this
15 state does not preclude a public employer from making an agreement
16 with an exclusive bargaining representative as described in section
17 11 to require as a condition of employment that all other employees
18 in the bargaining unit pay to the exclusive bargaining
19 representative a service fee equivalent to the amount of dues
20 uniformly required of members of the exclusive bargaining
21 representative.

22 (d) Discriminate against a public employee because ~~he or she~~
23 **the public employee** has given testimony or instituted proceedings
24 under this act.

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

27 (2) It is the purpose of 1973 PA 25 to reaffirm the continuing
28 public policy of this state that the stability and effectiveness of
29 labor relations in the public sector require, if the requirement is

1 negotiated with the public employer, that all other employees in
2 the bargaining unit share fairly in the financial support of their
3 exclusive bargaining representative by paying to the exclusive
4 bargaining representative a service fee that may be equivalent to
5 the amount of dues uniformly required of members of the exclusive
6 bargaining representative.

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

9 (a) Restrain or coerce public employees in the exercise of the
10 rights guaranteed in section 9. This subdivision does not impair
11 the right of a labor organization to prescribe its own rules with
12 respect to the acquisition or retention of membership.

13 (b) Restrain or coerce a public employer in the selection of
14 its representatives for the purposes of collective bargaining or
15 the adjustment of grievances.

16 (c) Cause or attempt to cause a public employer to
17 discriminate against a public employee in violation of subsection
18 (1)(c).

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

22 (4) By July 1 of each year, each exclusive bargaining
23 representative that represents public employees in this state shall
24 have an independent examiner verify the exclusive bargaining
25 representative's calculation of all expenditures attributed to the
26 costs of collective bargaining, contract administration, and
27 grievance adjustment during the prior calendar year and shall file
28 that verification with the commission. The commission shall make
29 the exclusive bargaining representative's calculations available to

1 the public on the commission's website. The exclusive bargaining
2 representative shall also file a declaration identifying the local
3 bargaining units that are represented. Local bargaining units
4 identified in the declaration filed by the exclusive bargaining
5 representative are not required to file a separate calculation of
6 all expenditures attributed to the costs of collective bargaining,
7 contract administration, and grievance adjustment.

8 (5) A public employer and a bargaining representative may
9 enter into a collective bargaining agreement that requires all
10 public employees in the bargaining unit to share equally in the
11 financial support of the bargaining representative. This act does
12 not, and a law or policy of a local government must not, prohibit
13 or limit an agreement that requires public employees in the
14 bargaining unit, as a condition of continued employment, to pay to
15 the bargaining representative membership dues or service fees. This
16 subsection becomes effective immediately upon, and applies to the
17 extent permitted by, either of the following:

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

21 (b) The ratification of an amendment to the United States
22 Constitution that restores the ability to require, as a condition
23 of employment, a public employee who is not a member of a
24 bargaining representative to pay, under any circumstances, fees,
25 including agency fees, to the bargaining representative.

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

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

2 (b) Provide the commission with sufficient staff and other
3 resources to implement the amendatory act.

4 (c) Inform public employers, public employees, and bargaining
5 representatives about changes to their rights and responsibilities
6 under the amendatory act.

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