AGRICULTURAL MARKETING AND BARGAINING ACT (EXCERPT)
Act 344 of 1972

290.706 Proposed bargaining unit; determination of appropriateness; criteria.

Sec. 6.

   (1) The department shall determine whether a proposed bargaining unit is appropriate. This determination shall be made upon the petition of an association representing not less than 10% of the producers of the commodity eligible for membership in the proposed bargaining unit as defined by the association. An association with an overlapping definition of bargaining unit may, upon the presentation of a petition by not less than 10% of the producers eligible for membership in the overlapping bargaining unit, contest the proposed bargaining unit. The department shall hold a hearing in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to resolve the dispute.

   (2) In making its determination, the department shall define as appropriate the largest bargaining unit in terms of the quantity of the agricultural commodity produced, the definition of the agricultural commodity, the geographic area covered, and the number of producers included as is consistent with the following criteria:

   (a) The community of interest of the producers included.

   (b) The potential serious conflicts of interest among members of the proposed unit.

   (c) The effect of exclusions on the capacity of the association to effectively bargain for the bargaining unit as defined.

   (d) The kinds, types, and subtypes of products to be classed together as agricultural commodity for which the bargaining unit is proposed.

   (e) Whether the producers eligible for membership in the proposed bargaining unit meet the definition of "producer" for the agricultural commodity involved.

   (f) The wishes of the producers.

   (g) The pattern of past marketing of the commodity.