

PUBLIC EMPLOYMENT RELATIONS (EXCERPT)
Act 336 of 1947

423.201 Definitions; rights of public employees.

Sec. 1. (1) As used in this act:

(a) "Bargaining representative" means a labor organization recognized by an employer or certified by the commission as the sole and exclusive bargaining representative of certain employees of the employer.

(b) "Commission" means the employment relations commission created in section 3 of 1939 PA 176, MCL 423.3.

(c) "Intermediate school district" means that term as defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(d) "Lockout" means the temporary withholding of work from a group of employees by shutting down the operation of the employer to bring pressure upon the affected employees or the bargaining representative, or both, to accept the employer's terms of settlement of a labor dispute.

(e) "Public employee" means, except as otherwise provided in subdivisions (f) and (g), an individual holding a position by appointment or employment in the government of this state, in the government of 1 or more of the political subdivisions of this state, in the public school service, in a public or special district, in the service of an authority, commission, or board, or in any other branch of the public service. Public employee includes an individual serving as a graduate student research assistant or in an equivalent position.

(f) An individual employed by a private organization or entity who provides services under a time-limited contract with this state or a political subdivision of this state or who receives a direct or indirect government subsidy in the individual's private employment is not an employee of this state or that political subdivision, and is not a public employee. This provision supersedes any interlocal agreement, memorandum of understanding, memorandum of commitment, or other document similar to these.

(g) A student participating in intercollegiate athletics on behalf of a public university in this state is not a public employee entitled to representation or collective bargaining rights under this act.

(h) "Public school academy" means a public school academy or strict discipline academy organized under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(i) "Public school employer" means a public employer that is any of the following:

(i) The board of a school district, an intermediate school district, or a public school academy.

(ii) The governing board of a joint endeavor or consortium consisting of any combination of school districts, intermediate school districts, or public school academies.

(j) "School district" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a local act school district as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(k) "Strike" means the concerted failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment. For employees of a public school employer, strike also includes an action described in this subdivision that is taken for the purpose of protesting or responding to an act alleged or determined to be an unfair labor practice committed by the public school employer.

(2) This act does not limit, impair, or affect the right of a public employee to the expression or communication of a view, grievance, complaint, or opinion on any matter related to the conditions or compensation of public employment or their betterment as long as the expression or communication does not interfere with the full, faithful, and proper performance of the duties of employment.

History: 1947, Act 336, Eff. Oct. 11, 1947;—CL 1948, 423.201;—Am. 1965, Act 379, Imd. Eff. July 23, 1965;—Am. 1973, Act 25, Imd. Eff. June 14, 1973;—Am. 1976, Act 18, Imd. Eff. Feb. 20, 1976;—Am. 1994, Act 112, Eff. Mar. 30, 1995;—Am. 1996, Act 543, Eff. Mar. 31, 1997;—Am. 1999, Act 204, Eff. Mar. 10, 2000;—Am. 2012, Act 45, Imd. Eff. Mar. 13, 2012;—Am. 2012, Act 76, Imd. Eff. Apr. 10, 2012;—Am. 2012, Act 349, Eff. Mar. 28, 2013;—Am. 2014, Act 414, Imd. Eff. Dec. 30, 2014;—Am. 2023, Act 237, Eff. Feb. 13, 2024.

Constitutionality: The Michigan supreme court held in *In The Matter Of The Petition For A Representation Election Among Supreme Court Staff Employees*, 406 Mich 647; 281 NW2d 299 (1979), that Const 1963, art III, § 2, considered with Const 1963, art IV, § 48, precludes the Michigan employment relations commission from taking jurisdiction over the Michigan supreme court.

Compiler's note: Enacting section 1 of Act 349 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."

Enacting section 1 of Act 414 of 2014 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 inoperable shall be severable from the remaining portions of this act."

Popular name: Public Employment Relations