A bill to amend 1939 PA 176, entitled
"An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe means of enforcement and penalties for violations of this act,"

by amending the title and sections 1, 2, 8, 14, 17, and 22 (MCL 423.1, 423.2, 423.8, 423.14, 423.17, and 423.22).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation
and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; TO MAKE APPROPRIATIONS; and to prescribe means of enforcement and penalties for violations of this act.

Sec. 1. It is hereby declared as the public policy of this state that the best interests of the people of the state are served by the prevention or prompt settlement of labor disputes; that strikes and lockouts and other forms of industrial strife, regardless of where the merits of the controversy lie, are forces productive ultimately of economic waste; that the interests and rights of the consumers and the people of the state, while not direct parties thereto, should always be considered, respected and protected; and that the voluntary mediation of such disputes under the guidance and supervision of a governmental agency will tend to promote permanent industrial peace and the health, welfare, comfort and safety of the people of the state.

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" shall include but are not
restricted 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, or labor organization, OR ANY OTHER
PRIVATE ENTITY.

(e) "Employee" includes any employee, and shall not be IS NOT
limited to the employees of a particular employer, unless the act
explicitly provides otherwise, and shall include INCLUDES any
individual whose work has ceased as a consequence of, or in
connection with, any current labor dispute or because of any act
which THAT is illegal hereunder, UNDER THIS ACT, and who has not
obtained any other regular and substantially equivalent employment,
but shall DOES not include any individual employed as an
agricultural laborer, or in the domestic service of any family or any person at his home, or any individual employed by his 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, as amended, 45 USC 151 TO 188, or by any other person who is not an employer as defined in this act.

(f) "Employer" means a person and includes any person acting as an agent of an employer, but shall DOES not include the United States or any corporation wholly owned by the United States; or any federal reserve bank; or any employer subject to the railway labor act, as amended, or 45 USC 151 TO 188; the state or any political subdivision thereof; or any labor organization, or anyone acting in the capacity of officer or agent of such labor organization, other than when acting as an employer; OR ANY ENTITY SUBJECT TO 1947 PA 336, MCL 423.201 TO 423.217.

(g) "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which 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.

Sec. 8. It shall be lawful for employes, to organize EMPLOYEES MAY DO ANY OF THE FOLLOWING:

(A) ORGANIZE together or to form, join, or assist in labor organization; to engage in lawful concerted activities for the purpose of collective negotiation or bargaining or other mutual aid and protection; or to negotiate or bargain collectively with
their employers through representatives of their own free choice.

(B) REFRAIN FROM ANY OR ALL OF THE ACTIVITIES IDENTIFIED IN SUBDIVISION (A).

Sec. 14. Nothing in this act shall be construed to interfere with the right of an employer to enter into an all-union agreement with 1 labor organization if it is the only organization established among his employees and recognized by him, by consent, as the representative of a majority of his employees; nor shall anything in this act be construed to interfere with the right of the employer to make an all-union agreement with more than 1 labor organization established among his employees if such organizations are recognized by him, by consent, as the representatives of a majority of his employees.

(1) AN INDIVIDUAL SHALL NOT BE REQUIRED AS A CONDITION OF OBTAINING OR CONTINUING EMPLOYMENT TO DO ANY OF THE FOLLOWING:

(A) REFRAIN OR RESIGN FROM MEMBERSHIP IN, VOLUNTARY AFFILIATION WITH, OR VOLUNTARY FINANCIAL SUPPORT OF A LABOR ORGANIZATION.

(B) BECOME OR REMAIN A MEMBER OF A LABOR ORGANIZATION.

(C) PAY ANY DUES, FEES, ASSESSMENTS, OR OTHER CHARGES OR EXPENSES OF ANY KIND OR AMOUNT OR PROVIDE ANYTHING OF VALUE TO A LABOR ORGANIZATION.

(D) PAY TO ANY CHARITABLE ORGANIZATION OR THIRD PARTY AN AMOUNT THAT IS IN LIEU OF, EQUIVALENT TO, OR ANY PORTION OF DUES, FEES, ASSESSMENTS, OR OTHER CHARGES OR EXPENSES REQUIRED OF MEMBERS OF OR EMPLOYEES REPRESENTED BY A LABOR ORGANIZATION.

(2) AN AGREEMENT, CONTRACT, UNDERSTANDING, OR PRACTICE BETWEEN
OR INVOLVING AN EMPLOYER AND A LABOR ORGANIZATION THAT VIOLATES
SUBSECTION (1) IS UNLAWFUL AND UNENFORCEABLE. THIS SUBSECTION
APPLIES ONLY TO AN AGREEMENT, CONTRACT, UNDERSTANDING, OR PRACTICE
THAT TAKES EFFECT OR IS EXTENDED OR RENEWED AFTER THE EFFECTIVE
DATE OF THE 2012 AMENDATORY ACT THAT AMENDED THIS SECTION.

(3) SUBSECTIONS (1) AND (2) SHALL BE IMPLEMENTED TO THE
MAXIMUM EXTENT PERMITTED BY THE UNITED STATES CONSTITUTION AND
FEDERAL LAW.

(4) THE COURT OF APPEALS HAS EXCLUSIVE ORIGINAL JURISDICTION
OVER ANY ACTION CHALLENGING THE VALIDITY OF SUBSECTION (1), (2), OR
(3). THE COURT OF APPEALS SHALL HEAR THE ACTION IN AN EXPEDITED
MANNER.

(5) A PERSON, EMPLOYER, OR LABOR ORGANIZATION THAT VIOLATES
SUBSECTION (1) IS LIABLE FOR A CIVIL FINE OF NOT MORE THAN $500.00. A CIVIL FINE RECOVERED UNDER THIS SECTION SHALL BE SUBMITTED TO THE
STATE TREASURER FOR DEPOSIT IN THE GENERAL FUND OF THIS STATE.

(6) EXCEPT FOR ACTIONS REQUIRED TO BE BROUGHT UNDER SUBSECTION
(4), A PERSON WHO SUFFERS AN INJURY AS A RESULT OF A VIOLATION OR
THREATENED VIOLATION OF SUBSECTION (1) MAY BRING A CIVIL ACTION FOR
DAMAGES, INJUNCTIVE RELIEF, OR BOTH. IN ADDITION, A COURT SHALL
AWARD COURT COSTS AND REASONABLE ATTORNEY FEES TO A PLAINTIFF WHO
PREVAILS IN AN ACTION BROUGHT UNDER THIS SUBSECTION. REMEDIES
PROVIDED FOR IN THIS SUBSECTION ARE INDEPENDENT OF AND IN ADDITION
to other penalties and remedies prescribed by this act.

(7) FOR FISCAL YEAR 2012-2013, $1,000,000.00 IS APPROPRIATED
TO THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS TO BE
EXPENDED TO DO ALL OF THE FOLLOWING REGARDING THE AMENDATORY ACT
THAT ADDED THIS SUBSECTION:

(A) RESPOND TO PUBLIC INQUIRIES REGARDING THE AMENDATORY ACT.

(B) PROVIDE THE COMMISSION WITH SUFFICIENT STAFF AND OTHER
RESOURCES TO IMPLEMENT THE AMENDATORY ACT.

(C) INFORM EMPLOYERS, EMPLOYEES, AND LABOR ORGANIZATIONS
CONCERNING THEIR RIGHTS AND RESPONSIBILITIES UNDER THE AMENDATORY
ACT.

(D) ANY OTHER PURPOSES THAT THE DIRECTOR OF THE DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS DETERMINES IN HIS OR HER
DISCRETION ARE NECESSARY TO IMPLEMENT THE AMENDATORY ACT.

Sec. 17. (1) It shall be unlawful (1) for any employee AN
EMPLOYEE or other person SHALL NOT by force, INTIMIDATION, or
unlawful threats to force, COMPEL or attempt to force COMPEL any
person to become or remain a member of a labor organization, or (2)
for an employee or other person by force or unlawful threats to
force or attempt to force any person to refrain from engaging in
employment. Violation of this section shall be a misdemeanor and
punishable as such. DO ANY OF THE FOLLOWING:

(A) BECOME OR REMAIN A MEMBER OF A LABOR ORGANIZATION OR
OTHERWISE AFFILIATE WITH OR FINANCIALLY SUPPORT A LABOR
ORGANIZATION.

(B) REFRAIN FROM ENGAGING IN EMPLOYMENT OR REFRAIN FROM
JOINING A LABOR ORGANIZATION OR OTHERWISE AFFILIATING WITH OR
FINANCIALLY SUPPORTING A LABOR ORGANIZATION.

(C) PAY TO ANY CHARITABLE ORGANIZATION OR THIRD PARTY AN
AMOUNT THAT IS IN LIEU OF, EQUIVALENT TO, OR ANY PORTION OF DUES,
FEES, ASSESSMENTS, OR OTHER CHARGES OR EXPENSES REQUIRED OF MEMBERS
OF OR EMPLOYEES REPRESENTED BY A LABOR ORGANIZATION.

(2) A PERSON WHO VIOLATES THIS SECTION IS LIABLE FOR A CIVIL FINE OF NOT MORE THAN $500.00. A CIVIL FINE RECOVERED UNDER THIS SECTION SHALL BE SUBMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL FUND OF THIS STATE.

Sec. 22. (1) It shall be unlawful for an employer to engage in a lockout or for a labor organization to engage in or instigate a strike without first having served notice as required in section 9.

(2) It shall be unlawful for any individual to instigate a lockout or strike which is unlawful under this section.

(3) Any individual or person may pursue any appropriate legal or equitable remedy or other relief in any circuit court having jurisdiction with respect to any act or conduct in violation of any of the provisions of this act, except subsection (1) and sections 14(4), 16, and 17a. The existence of a criminal penalty with respect to any such act or conduct shall not be deemed to preclude appropriate equitable relief.

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.