

Senator Bieda offered the following amendment:

1. Amend page 20, following line 3, by inserting:

“Enacting section 2. Nothing in this act shall apply to any employee currently entered into a collective bargaining agreement with an organized labor organization.”.

Senator Gleason offered the following amendment:

1. Amend page 19, following line 23, by inserting:

“SEC. 15C. (1) IF AGREED TO IN A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER MAY DEDUCT THE DUES OF A MEMBER OF AN EXCLUSIVE REPRESENTATIVE THROUGH PAYROLL DEDUCTION. NOTWITHSTANDING ANY CONTRARY PROVISION OF A COLLECTIVE BARGAINING AGREEMENT, AN EMPLOYER SHALL NOT DEDUCT MEMBERSHIP DUES UNLESS THE EMPLOYEE HAS FILED A PRIOR, VOLUNTARY, WRITTEN AUTHORIZATION.

(2) NOTHING IN THIS PROVISION PRECLUDES THE EMPLOYER FROM MAKING AN AGREEMENT WITH AN EXCLUSIVE REPRESENTATIVE TO REQUIRE, AS A CONDITION OF CONTINUED EMPLOYMENT, THAT EACH ELIGIBLE EMPLOYEE IN THE UNIT WHO CHOOSES NOT TO BECOME A MEMBER OF THE EXCLUSIVE REPRESENTATIVE SHALL PAY A SERVICE FEE TO THE EXCLUSIVE REPRESENTATIVE. IF AGREED TO IN A COLLECTIVE BARGAINING AGREEMENT, THE EMPLOYER MAY DEDUCT THE SERVICE FEE BY PAYROLL DEDUCTION. AN EMPLOYER SHALL NOT DEDUCT A SERVICE FEE UNLESS THE EMPLOYEE HAS FILED A PRIOR WRITTEN AUTHORIZATION OR AS OTHERWISE AUTHORIZED IN A COLLECTIVE BARGAINING AGREEMENT.

(3) THE AMOUNT OF A SERVICE FEE CANNOT EXCEED THE EMPLOYEE’S PROPORTIONATE SHARE OF THE COSTS OF THE ACTIVITIES THAT ARE NECESSARY TO PERFORM ITS DUTIES AS THE EXCLUSIVE REPRESENTATIVE IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES. THE SERVICE FEE MAY INCLUDE ONLY THE COSTS GERMANE TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, GRIEVANCE ADJUSTMENT, AND ANY OTHER COST NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSE OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES.

(4) AN EMPLOYEE REQUIRED TO PAY A SERVICE FEE HAS THE RIGHT TO OBJECT TO THE AMOUNT OF THE SERVICE FEE AND OBTAIN A REDUCTION OF THE SERVICE FEE TO EXCLUDE ALL EXPENSES NOT GERMANE TO COLLECTIVE BARGAINING, CONTRACT ADMINISTRATION, AND GRIEVANCE ADJUSTMENT, OR OTHERWISE NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSE OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES. EACH COLLECTIVE BARGAINING AGREEMENT MUST PROVIDE A PROCEDURE THAT PROVIDES AN OBJECTOR WITH THE FOLLOWING RIGHTS:

(A) THE RIGHT TO FINANCIAL INFORMATION SUFFICIENT TO DETERMINE HOW THE SERVICE FEE IS CALCULATED.

(B) THE RIGHT TO CHALLENGE THE AMOUNT OF THE SERVICE FEE BEFORE AN IMPARTIAL DECISION-MAKER.

(C) THE RIGHT TO HAVE ANY DISPUTED AMOUNT OF THE SERVICE FEE PLACED IN ESCROW BY THE EXCLUSIVE REPRESENTATIVE PENDING A FINAL DECISION.

(5) EACH EMPLOYER SHALL POST IN CONSPICUOUS PLACES A NOTICE INFORMING EMPLOYEES OF THE RIGHTS AND OBLIGATIONS SET FORTH IN THIS PROVISION.

(6) AN EXCLUSIVE REPRESENTATIVE SHALL ACCOUNT FOR AND REPORT FEES AND EXPENSES IN SUCH DETAIL AS NECESSARY TO ALLOW EMPLOYEES TO DETERMINE THE PROPORTIONATE COSTS OF EXPENDITURES NECESSARILY OR REASONABLY INCURRED FOR THE PURPOSES OF PERFORMING THE DUTIES OF AN EXCLUSIVE REPRESENTATIVE OF THE EMPLOYEES IN DEALING WITH THE EMPLOYER ON LABOR-MANAGEMENT ISSUES.”.

The question being on the adoption of the amendments,

The amendments were not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 863

Yeas—22

Booher
Brandenburg

Hildenbrand
Hune

Marleau
Meekhof

Proos
Richardville

Caswell
Colbeck
Emmons
Hansen

Jansen
Jones
Kahn
Kowall

Moolenaar
Pappageorge
Pavlov

Robertson
Schuitmaker
Walker

Nays—4

Casperson

Green

Nofs

Rocca

Excused—0

Not Voting—12

Anderson
Bieda
Gleason

Gregory
Hood
Hopgood

Hunter
Johnson
Smith

Warren
Whitmer
Young

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was not concurred in, 2/3 of the members serving not voting therefor.
The Senate agreed to the title of the bill.

By unanimous consent the Senate returned to the order of
Motions and Communications

Senator Meekhof moved to reconsider the vote by which the Senate was to adjourn today until Friday, December 7, at 12:05 a.m.

The motion prevailed.

The question being on the motion that the Senate adjourn until Friday, December 7, at 12:05 a.m.,
Senator Meekhof withdrew the motion.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 6:
House Bill Nos. 6022 6024 6025 6026

By unanimous consent the Senate proceeded to the order of
Introduction and Referral of Bills

House Bill No. 6022, entitled

A bill to amend 2002 PA 48, entitled "Metropolitan extension telecommunications rights-of-way oversight act," by amending sections 2 and 3 (MCL 484.3102 and 484.3103).

The House of Representatives has passed the bill.

The bill was read a first and second time by title and referred to the Committee on Finance.