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STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

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House Bill 4443 (As Introduced)

Topic: Interference with Unionization
Sponsor: Representative Miller
Co-sponsors: Representatives Bennett, Meadows, Meisner, Hopgood, and Gonzales
Committee: Initially Commerce, Re-referred to Labor

Date Introduced: March 13, 2007

Date of Summary: November 20, 2007

The bill creates a new act to prohibit expenditure of state funds on activities that interfere with or discourage unionization. "Interfere or discourage unionization" is defined by the bill as the following:

- A communication in any form that advocates, directly or by implication, that an employee should vote against unionization;
- Hiring or consulting persons to advise on means to deter unionization or impede a labor organization that represents employees from fulfilling its representation responsibilities;
- Holding meetings to influence employees to refrain from unionizing;
- Planning or engaging in employee-supervisor activities to deter lawful labor organization activities;

An entity receiving state funds expending funds to interfere with or discourage unionization is required to maintain accurate and complete records of all expenditures. The records are required to be sufficient to document whether state funds have been used for the purpose prohibited by this bill. An entity subject to these record-keeping requirements would be required to submit reports to the Department of Labor & Economic Growth four times per year. The reports would specify each expenditure of state funds and each expenditure of funds used for interfering with or discouraging unionization and a certification that state funds were not expended for this purpose.

On its own initiative or in response to a credible complaint, the department may audit the records of an employer subject to the certification requirement. The department is required to certify that a determination that a person has failed or refused to do any of the following:

- Comply with the record-keeping requirements of the bill;
- Comply with the reporting requirements; and
- Provide the department with access to records.

A person subject to certification is ineligible to receive state funds until the department certifies that the person is in full compliance.

A person who knowingly authorizes an expenditure of state funds in violation of the act is liable to the state for civil damages equal to twice the amount of the expenditure, plus attorney fees and costs. A taxpayer may bring a civil action on behalf of the state to recover such damages. A taxpayer prevailing in such a suit is entitled to ½ the amount recovered, plus attorney fees. A person adjudged to have violated the prohibition of the bill would be ineligible to receive state funds for 3 years after the judgment.