

MICHIGAN FREEDOM TO WORK IN THE PUBLIC SECTOR

Effective **March 28, 2013**, pursuant to the Public Employment Relations Act (**PERA**), Act No. 379 of 1965 (**Act**), as amended by Act No. 349 of 2012, a “public employee,” as that term is defined by Section 1(e) of the Act shall have the right to **do** or **not do** any of the following activities:

- **Organize together or form, join, or assist in labor organizations;**
- **Engage in lawful concerted activities for the purpose of collective negotiation or bargaining or other mutual aid and protection;**
- **Negotiate or bargain collectively with their public employers through representatives of their own free choice.**

The information contained herein shall apply to any “public employee” as that term is defined in Section 1(e) of the Act to the maximum extent permitted under Section 4a of the Act.

PROHIBITED CONDUCT: An individual shall not be required as a condition of obtaining or continuing public employment to do any of the following:

- (1) Refrain or resign from membership in, voluntary affiliation with, or voluntary financial support of a labor organization or bargaining representative.
- (2) Become or remain a member of a labor organization or bargaining representative.
- (3) Pay any dues, fees, assessments, or other charges or expenses of any kind or amount, or provide anything of value to a labor organization or bargaining representative.
- (4) Pay to any charitable organization or third party any 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 public employees represented by a labor organization or bargaining representative.

Any person, public employer, or labor organization that violates this prohibition shall be liable for a civil fine of not more than \$500.00. Any person who suffers an injury as a result of a violation or threatened violation of this prohibition 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 such a civil action.

PROHIBITED CONDUCT: No person shall by force, intimidation or unlawful threats compel or attempt to compel any public employee to do any of the following:

- (1) Become or remain a member of a labor organization or bargaining representative or otherwise affiliate with or financially support a labor organization or bargaining representative.
- (2) Refrain from engaging in employment or refrain from joining a labor organization or bargaining representative or otherwise affiliating with or financially supporting a labor organization or bargaining representative.
- (3) 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 public employees represented by a labor organization or bargaining representative.

Any person who engages in this prohibited conduct shall be liable for a civil fine of not more than \$500.00.

Amended to conform with the U.S. Supreme Court's Decision in *Janus-and AFSCME Council 31, et al.*, 585 U.S. ____ (2018). Under *Janus*, States and public sector unions may no longer extract agency fees from nonconsenting employees because this is a violation of the employees' First Amendment rights.

Additional information is available on our website at www.michigan.gov/merc.
Interested parties may also contact:

Department of Licensing and Regulatory Affairs
Bureau of Employment Relations
Cadillac Place
3026 W. Grand Boulevard, Suite 2-750
PO Box 02988
Detroit, MI 48202-2988

Tel: 313-456-3510 • Fax: 313-456-3511 • Email: ftwinfo@michigan.gov

**BUREAU OF
EMPLOYMENT RELATIONS**

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. BER# 2013-02, 03-13

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