

Act No. 172
Public Acts of 2023
Approved by the Governor
October 24, 2023
Filed with the Secretary of State
October 24, 2023
EFFECTIVE DATE: October 24, 2023

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Bezotte, Wozniak, Borton, BeGole, Mueller, Harris, Breen, Shannon, Steckloff, Tyrone Carter, Liberati, Weiss, Hope, Snyder, McFall, Mentzer, Tsernoglou, Andrews, Rogers, Hood, Rheingans, Wilson, Wegela, MacDonell, Conlin, Brabec, St. Germaine, Schmaltz, Roth, Koleszar, Glanville, Hill, Outman, Zorn, Tisdell and Steele

ENROLLED HOUSE BILL No. 4439

AN ACT to amend 1969 PA 312, entitled “An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof,” by amending sections 5 and 7a (MCL 423.235 and 423.237a), section 5 as amended by 2011 PA 116.

The People of the State of Michigan enact:

Sec. 5. (1) Not later than 7 days after a request from 1 or both parties, the employment relations commission shall select from its panel of arbitrators, as provided in subsection (2), 3 persons as nominees for impartial arbitrator or chair of the arbitration panel. Not later than 5 days after the selection, each party may peremptorily strike the name of 1 of the nominees. Not later than 7 days after this 5-day period, the commission shall designate 1 of the remaining nominees as the impartial arbitrator or chair of the arbitration panel.

(2) The employment relations commission shall establish and appoint a panel of arbitrators, known as the Michigan employment relations commission panel of arbitrators. The commission shall appoint members for indefinite terms. Members shall be impartial, competent, and reputable citizens of the United States and residents of this state, and shall qualify by taking and subscribing the constitutional oath or affirmation of office. The commission may at any time appoint additional members to the panel of arbitrators and may remove existing members without cause.

(3) The employment relations commission shall establish the qualifications and training that are necessary for an individual to serve as the chair of an arbitration panel under this act. The commission may waive the qualifications and training requirements for an individual who has served as a commission-appointed chair of an arbitration panel in an arbitration proceeding under this act before July 20, 2011.

Sec. 7a. At any time before the rendering of an award, the chair of the arbitration panel, if the chair is of the opinion that it would be useful or beneficial to do so, may remand the dispute to the parties for further collective bargaining for a period not to exceed 3 weeks. If the dispute is remanded for further collective bargaining, the time provisions of this act are extended for a time period equal to that of the remand. The chair of the panel of arbitration shall notify the employment relations commission of the remand.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4438 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 4438, referred to in enacting section 1, was filed with the Secretary of State October 24, 2023, and became 2023 PA 171, Eff. Jan. 22, 2024.