

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4438

A bill 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 section 2 (MCL 423.232), as amended by 2011 PA 116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) As used in this act: ~~,"public police or fire~~
2 ~~department employee" means any employee of a city, county, village,~~
3 ~~or township, or of any authority, district, board, or any other~~
4 ~~entity created in whole or in part by the authorization of 1 or~~
5 ~~more cities, counties, villages, or townships, whether created by~~
6 ~~statute, ordinance, contract, resolution, delegation, or any other~~

1 ~~mechanism, who is engaged as a police officer, or in fire fighting~~
 2 ~~or subject to the hazards thereof; emergency medical service~~
 3 ~~personnel employed by a public police or fire department; or an~~
 4 ~~emergency telephone operator, but only if directly employed by a~~
 5 ~~public police or fire department. Public police and fire department~~
 6 ~~employee does not include any of the following:~~

7 ~~(a) An employee of a community college.~~

8 ~~(b) An employee of a metropolitan district created under 1939~~
 9 ~~PA 147, MCL 119.51 to 119.62.~~

10 ~~(c) An emergency telephone operator employed by a 911~~
 11 ~~authority or consolidated dispatch center.~~

12 ~~(d) An employee of an authority that is in existence on June~~
 13 ~~1, 2011, unless the employee is represented by a bargaining~~
 14 ~~representative on that date or a contract in effect on that date~~
 15 ~~specifically provides the employee with coverage under this act. An~~
 16 ~~exclusion under this subdivision terminates if the authority~~
 17 ~~composition changes to include an additional governmental unit or~~
 18 ~~portion of a governmental unit. This subdivision does not apply to~~
 19 ~~terminate an exclusion created under subdivisions (a) to (c).~~

20 ~~(a) (2) "Emergency medical service personnel" for purposes of~~
 21 ~~this act includes a person who provides assistance at dispatched or~~
 22 ~~observed medical emergencies occurring outside a recognized medical~~
 23 ~~facility including instances of heart attack, stroke, injury~~
 24 ~~accidents, electrical accidents, drug overdoses, imminent~~
 25 ~~childbirth, and other instances where there is the possibility of~~
 26 ~~death or further injury; initiates stabilizing treatment or~~
 27 ~~transportation of injured from the emergency site; and notifies~~
 28 ~~police or interested departments of certain situations encountered~~
 29 ~~including criminal matters, poisonings, and the report of~~

1 contagious diseases.

2 (b) "Emergency telephone operator" ~~for the purpose of this act~~
3 includes a person employed by a police or fire department for the
4 purpose of relaying emergency calls to police, fire, or emergency
5 medical service personnel.

6 (c) "Institution of higher education" means any of the
7 following:

8 (i) An institution of higher education described in section 4
9 or 6 of article VIII of the state constitution of 1963.

10 (ii) A community or junior college described in section 7 of
11 article VIII of the state constitution of 1963.

12 (d) "Public police or fire department employee" means any
13 employee of a city, county, village, township, or institution of
14 higher education, or of any authority, district, board, or any
15 other entity created in whole or in part by the authorization of 1
16 or more cities, counties, villages, townships, or institutions of
17 higher education, whether created by statute, ordinance, contract,
18 resolution, delegation, or any other mechanism, who is engaged as a
19 police officer or in firefighting or who is subject to the hazards
20 thereof; a corrections officer employed by a county sheriff in a
21 county jail, work camp, or other facility maintained by a county
22 and that houses adult prisoners; emergency medical service
23 personnel employed by a public police or fire department; or an
24 emergency telephone operator, but only if directly employed by a
25 public police or fire department. Public police or fire department
26 employee does not include any of the following:

27 (i) An employee of a metropolitan district created under 1939
28 PA 147, MCL 119.51 to 119.62.

29 (ii) An emergency telephone operator employed by a 9-1-1

1 authority or consolidated dispatch center.

2 (iii) An employee of an authority that is in existence on June
3 1, 2011, unless the employee is represented by a bargaining
4 representative on that date, or a contract in effect on that date
5 specifically provides the employee with coverage under this act. An
6 exclusion under this subparagraph terminates if the authority
7 composition changes to include an additional governmental unit or a
8 portion of a governmental unit. This subparagraph does not
9 terminate an exclusion created under subparagraphs (i) to (iii).

10 (2) ~~(3)~~—This act does not apply to persons employed by a
11 private emergency medical service company who work under a contract
12 with a governmental unit or personnel working in an emergency
13 service organization whose duties are solely of an administrative
14 or supporting nature and who are not otherwise qualified under
15 subsection ~~(2)~~-(1) (a).

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.