

Notice of rights of public employees under 2012 PA 349

(1) Notification to bargaining unit members.

Pursuant to MCL 423.209(2)(a), Michigan's right-to-work law, public employees may refrain from becoming or remaining a member of a labor organization or bargaining representative or otherwise affiliate with or financially support a labor organization or bargaining representative.

Any labor organization or bargaining representative that requires that members who wish to resign or terminate their membership must do so within a specific period of time in the calendar year shall be required to notify all members of the bargaining unit of their rights under 2012 PA 349. The notice shall adhere to the form described in section (2) and shall be delivered in the manner described in section (3).

(2) Form of notification.

The resignation notification shall contain all of the following information:

- a. Acknowledge the ability of the public employee to resign his or her membership in the labor organization;
- b. Indicate the deadline and/or window of time during which a resigning member must submit a resignation notice;
- c. Indicate to the public employee that resignation does not relieve the designated bargaining representative of the obligations it has to the public employee of collective bargaining, contract administration, and grievance adjustment with the employer;
- d. Describe the resignation process and the address(es) to which a resignation letter should be sent; and
- e. Provide a link to the labor organization's governing documents, which shall be posted on the labor organization website or an affiliate's website if the labor organization does not have a website, that impose time restrictions on a member resignation.

The resignation notification sent to bargaining unit members shall use the attached notification form. If any labor organization wishes to send additional information it must do so in a separate email or mailing.

(3) Method of notification.

The labor organization shall send the resignation notification to bargaining unit members twenty-one (21) days prior to the deadline for resignations or twenty-one (21) days prior to the first day of a resignation time period, whichever comes first.

The resignation notification shall be the form set out below with no attachments and sent to the work email address of each public employee bargaining unit member. If the public employee does not have a public e-mail address, the labor organization may send a physical copy of the notice to the employee at his or her work and home addresses.

The resignation notification shall be in 12-point type using Arial, Microsoft San Serif, Tahoma or Verdana font.

(4) Penalties.

Failure of a labor organization or bargaining representative to comply with this rule shall constitute an unfair labor practice. In some cases, a person who suffers an injury as a result of a violation 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 an action brought under this rule.

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Suggested text of notification:

Pursuant to MCL 423.209(2)(a), Michigan's right-to-work law, public employees may refrain from becoming or remaining a member of a labor organization or bargaining representative or otherwise affiliate with or financially support a labor organization or bargaining representative.

Employees who choose to opt-out of the union are still afforded rights and benefits as members of the bargaining unit. Your resignation would not relieve the union of the obligations the union has to represent all members of the bargaining unit, including those who have resigned in collective bargaining, contract administration, and grievance adjustment with the employer.

If you wish to resign from [NAME OF UNION], you must notify us by [INDICATE DEADLINE OR TIME PERIOD]. This process is required by [NAME AND LINK TO GOVERNING DOCUMENT].

Should you choose to resign, your [EMAIL AND/OR LETTER] must be sent to the following address(es): [PROVIDE ADDRESS(ES)].

Additional information may be obtained from:

Michigan Employment Relations Commission
Post Office Box 30015
Lansing, MI 48909
Phone: 517-373-3580
Fax: 517-335-9181

http://www.michigan.gov/lara/0,4601,7-154-61256_17485_68152---,00.html