


MEMO

TO: Michigan House Committee on Labor

FROM: David Q. Worthams, Director of Employment Policy 

DATE: June 8, 2023

RE: House Bill 4034 – Opposed

On behalf of the roughly 1,700 members of the Michigan Manufacturers Association (MMA), I write to express our concerns with House Bill 4034, a bill that creates the *Temporary Laborer Rights Act*. At this time, we are opposed to the bill as introduced.

The bill, as drafted, will create undue burdens on any employer that uses temporary service agencies. The requirements of the bill place crushing financial and operational constraints on staffing firms that work hard to help provide additional employees to help fill talent gaps in the marketplace. Enactment of the bill may very well lead to the elimination of temporary jobs for thousands of Michiganders, including those who can afford it the least.

Admittedly, while not all manufacturers use the services of temporary labor service agency, language in the bill that prohibits these businesses from providing temporary employees during a strike, lockout or other labor dispute runs the risk of seriously damaging manufacturing plants. By restricting manufacturing facilities from hiring temporary labor with specific skills to maintain the critical infrastructure of a plant during a prolonged labor stoppage, there will be significant risk to the environment and the health and safety of employees and neighboring entities. Cessation of plant operations is not simply moving a switch to an off-position. There are multiple precautions that must be taken.

Lastly, we believe that state law is preempted by the National Labor Relations Act (NLRA) from prohibiting use of temporary workers during a strike, lockout, or other labor dispute. Section 7 of the NLRA provides that, while employees who strike to obtain economic concessions retain their status as employees and cannot be discharged for striking, they may be replaced by the employer. We urge caution as the committee reviews the bill and look forward to working with the bill sponsor to address our concerns with the bill.

For more information, please contact David Worthams at 517-487-8511 or worthams@mimfg.org.