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## SCHOOL EMPLOYEE CONTRACTS

House Bills 5127 and 5128  
Sponsor: Rep. Walter DeLange  
Committee: Labor

Complete to 10-18-93

### A SUMMARY OF HOUSE BILL 5128 AS INTRODUCED 10-14-93

The bills would amend the public employees relations act (Public Act 336 of 1947) to modify provisions relating to school employees.

House Bill 5127 would specify that a bargaining unit for employees of a charter public school (or employees of another entity who provided instructional services in a charter public school) could not include anyone not employed by or working in the charter school. The Employment Relations Commission could not "accrete, consolidate, attach, join, or otherwise combine" employees of or positions in a charter public school with any other bargaining unit for purposes of collective bargaining. The bill is tie-barred to House Bill 5124, which would amend the School Code to provide for the establishment of charter public schools.

House Bill 5128 would make the following changes with regard to school employees:

-- Professional employees (teachers, administrators, and others in positions requiring at least a baccalaureate degree) would have the option of not being represented by the bargaining unit, not being part of the bargaining unit, not being subject to the terms of a contract between the bargaining unit and the school district, and not having to pay a service fee to the bargaining unit in lieu of membership dues.

--School employees in managerial, supervisory, or confidential positions would not be covered by the act's guarantee allowing public employees to organize labor organizations and engage in collective bargaining.

-- Certain issues could not be subject to collective bargaining agreements between labor unions representing school employees and local and intermediate school districts, charter public schools, or joint endeavors or consortia of those organizations. These matters would be part of the management rights of, and would be within the decisional authority of, the employer. Issues excluded from the scope of collective bargaining would include:

\*\* The choice of a particular insurance carrier for employee group insurance benefits (but not the types and levels of benefits and coverages).

\*\* The decision of whether or not to contract with a third party for noninstructional support services, including transportation, food service, janitorial and building maintenance services, paraprofessional and teacher aide or assistant services, data processing, accounting and clerical services.

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**\*\* The use of volunteers in providing services.**

**\*\* The length of the school day or school year, or any other issues of establishing the school calendar.**

**\*\* Employee participation in or compensation for participation in school improvement activities under Public Act 25 of 1990.**

**\*\* The decision of whether or not to allow open enrollment opportunity in the school district under the proposed school choice amendments to the School Code (contained in House Bill 5121).**

**\*\* The decision of whether or not to grant a charter to a prospective charter school or the granting of a leave of absence to an employee to participate in a charter school.**

**\*\* Any matter that fell within the decisional authority of a school building governing committee (as proposed in House Bill 5121).**

**\*\* Any matter that might have the effect of limiting, waiving, or interfering with the right of a school employee to exercise his or her right not to belong to a bargaining unit.**