

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 1006

A bill to amend 1974 PA 258, entitled  
"Mental health code,"  
by amending section 204a (MCL 330.1204a), as added by 1995  
PA 290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 204a. (1) Two or more counties may organize and oper-  
2       ate a community mental health services program by creating a com-  
3       munity mental health organization under the urban cooperation act  
4       of 1967, ~~Act No. 7 of the Public Acts of the Extra Session of~~  
5       ~~1967, being sections 124.501 to 124.512 of the Michigan Compiled~~  
6       ~~Laws~~ 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.  
7       (2) ONE OR MORE COUNTIES AND AN INSTITUTION OF HIGHER EDUCA-  
8       TION IN THIS STATE THAT HAS THE AUTHORITY TO GRANT A  
9       BACCALAUREATE DEGREE, HAS A MEDICAL SCHOOL, HAS ITS MAIN FACILITY  
10      IN A CITY HAVING A POPULATION OF AT LEAST 100,000 BUT NO MORE

1 THAN 500,000, AND IS LOCATED IN A COUNTY INITIATING THE FORMATION  
2 OF A COMMUNITY MENTAL HEALTH ORGANIZATION UNDER THIS SUBSECTION  
3 MAY ORGANIZE AND OPERATE A COMMUNITY MENTAL HEALTH SERVICES PRO-  
4 GRAM BY CREATING A COMMUNITY MENTAL HEALTH ORGANIZATION UNDER THE  
5 URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA 7, MCL 124.501  
6 TO 124.512.

7 (3) SUBSEQUENT TO THE FORMATION OF A COMMUNITY MENTAL HEALTH  
8 ORGANIZATION UNDER SUBSECTION (2), A COUNTY THAT JOINS OR MERGES  
9 WITH THAT COMMUNITY MENTAL HEALTH ORGANIZATION SHALL COMPLY WITH  
10 ALL OF THE FOLLOWING:

11 (A) THE MANNER OF EMPLOYING, COMPENSATING, TRANSFERRING, OR  
12 DISCHARGING NECESSARY PERSONNEL IS SUBJECT TO THE PROVISIONS OF  
13 THE APPLICABLE CIVIL SERVICE AND MERIT SYSTEMS AND THE FOLLOWING  
14 RESTRICTIONS:

15 (i) AN EMPLOYEE OF A COMMUNITY MENTAL HEALTH ORGANIZATION IS  
16 A PUBLIC EMPLOYEE.

17 (ii) A COMMUNITY MENTAL HEALTH ORGANIZATION AND ITS EMPLOY-  
18 EES ARE SUBJECT TO THE PROVISIONS OF 1947 PA 336, MCL 423.201 TO  
19 423.217.

20 (B) AT THE TIME A COMMUNITY MENTAL HEALTH ORGANIZATION IS  
21 EXPANDED UNDER THIS SUBSECTION, THE EMPLOYEES OF THE FORMER COM-  
22 MUNITY MENTAL HEALTH SERVICES PROGRAM SHALL BE TRANSFERRED TO THE  
23 COMMUNITY MENTAL HEALTH ORGANIZATION AND APPOINTED AS EMPLOYEES  
24 WHO SHALL RETAIN ALL THE RIGHTS AND BENEFITS FOR 1 YEAR. AN  
25 EMPLOYEE OF THE COMMUNITY MENTAL HEALTH ORGANIZATION SHALL NOT,  
26 BY REASON OF THE TRANSFER, BE PLACED IN A WORSE POSITION FOR A  
27 PERIOD OF 1 YEAR WITH RESPECT TO WORKER'S COMPENSATION, PENSION,

1 SENIORITY, WAGES, SICK LEAVE, VACATION, HEALTH AND WELFARE  
2 INSURANCE, OR ANOTHER BENEFIT THAT THE EMPLOYEE HAD AS AN  
3 EMPLOYEE OF THE FORMER COMMUNITY MENTAL HEALTH SERVICES PROGRAM.  
4 A TRANSFERRED EMPLOYEE'S ACCRUED BENEFITS OR CREDITS SHALL NOT BE  
5 DIMINISHED BY REASON OF THE TRANSFER.

6 (C) IF A FORMER COUNTY COMMUNITY MENTAL HEALTH SERVICES PRO-  
7 GRAM WAS THE DESIGNATED EMPLOYER OR PARTICIPATED IN THE DEVELOP-  
8 MENT OF A COLLECTIVE BARGAINING AGREEMENT, THE COMMUNITY MENTAL  
9 HEALTH ORGANIZATION ASSUMES AND IS BOUND BY THE EXISTING COLLEC-  
10 TIVE BARGAINING AGREEMENT. THE EXPANSION OF A COMMUNITY MENTAL  
11 HEALTH ORGANIZATION DOES NOT ADVERSELY AFFECT EXISTING RIGHTS OR  
12 OBLIGATIONS CONTAINED IN THE EXISTING COLLECTIVE BARGAINING  
13 AGREEMENT. FOR THE PURPOSES OF THIS SUBSECTION, "PARTICIPATION  
14 IN THE DEVELOPMENT OF A COLLECTIVE BARGAINING AGREEMENT" MEANS  
15 THAT A REPRESENTATIVE OF THE COMMUNITY MENTAL HEALTH SERVICES  
16 PROGRAM ACTIVELY PARTICIPATED IN BARGAINING SESSIONS WITH THE  
17 EMPLOYER REPRESENTATIVE AND UNION OR WAS CONSULTED DURING THE  
18 BARGAINING PROCESS.