

HOUSE BILL No. 4534

March 22, 2005, Introduced by Reps. Vander Veen, Taub, Drolet, Gosselin, Steil, Marleau, Newell, Huizenga, Garfield and Hoogendyk and referred to the Committee on Education.

A bill to amend 1947 PA 336, entitled

"An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,"

by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) A public employer shall bargain collectively with
2 the representatives of its employees as ~~defined~~ **DESCRIBED** in
3 section 11 and is authorized to make and enter into collective
4 bargaining agreements with ~~such~~ **THOSE** representatives. Except as
5 otherwise provided in this section, for the purposes of this
6 section, to bargain collectively is ~~the performance of~~ **TO PERFORM**

1 the mutual obligation of the employer and the representative of the
2 employees to meet at reasonable times and confer in good faith with
3 respect to wages, hours, and other terms and conditions of
4 employment; ~~—, or the negotiation of—~~ **TO NEGOTIATE** an agreement ~~—,~~
5 or any question arising under the agreement; ~~—, and the execution~~
6 ~~of—~~ **OR TO EXECUTE** a written contract, ordinance, or resolution
7 incorporating any agreement reached if requested by either party.
8 ~~—, but this—~~ **THIS** obligation does not compel either party to agree
9 to a proposal or ~~require the making of—~~ **TO MAKE** a concession.

10 (2) A public school employer has the responsibility,
11 authority, and right to manage and direct on behalf of the public
12 the operations and activities of the public schools under its
13 control.

14 (3) Collective bargaining between a public school employer and
15 a bargaining representative of its employees shall not include any
16 of the following subjects:

17 (a) ~~Who—~~ **EXCEPT AS PROVIDED IN SUBSECTION (4), WHO** is or will
18 be the policyholder of an employee group insurance benefit. ~~This~~
19 ~~subdivision does not affect the duty to bargain with respect to~~
20 ~~types and levels of benefits and coverages for employee group~~
21 ~~insurance. A change or proposed change in a type or to a level of~~
22 ~~benefit, policy specification, or coverage for employee group~~
23 ~~insurance shall be bargained by the public school employer and the~~
24 ~~bargaining representative before the change may take effect.~~

25 (b) ~~Establishment of—~~ **ESTABLISHING** the starting day for the
26 school year and ~~of—~~ the amount of pupil contact time required to
27 receive full state school aid under section 1284 of the **REVISED**

1 school code, ~~of 1976, Act No. 451 of the Public Acts of 1976,~~
2 ~~being section 380.1284 of the Michigan Compiled Laws 1976 PA 451,~~
3 **MCL 380.1284**, and under section 101 of the state school aid act of
4 1979, ~~Act No. 94 of the Public Acts of 1979, being section~~
5 ~~388.1701 of the Michigan Compiled Laws 1979 PA 94, MCL 388.1701.~~

6 (c) ~~Composition of site based decision making bodies~~
7 ~~established pursuant to section 1202a of Act No. 451 of the Public~~
8 ~~Acts of 1976, being section 380.1202a of the Michigan Compiled~~
9 ~~Laws, or of~~ **THE SELECTION OF PARTICIPANTS IN THE** school
10 improvement ~~committees established under~~ **PLANNING PROCESS**
11 **DESCRIBED IN** section 1277 of ~~Act No. 451 of the Public Acts of~~
12 ~~1976, being section 380.1277 of the Michigan Compiled Laws~~ **THE**
13 **REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1277.**

14 (d) The decision of whether or not to provide or allow
15 interdistrict or intradistrict open enrollment opportunity in a
16 school district or of which grade levels or schools in which to
17 allow ~~such an~~ **THAT** open enrollment opportunity.

18 (e) The decision of whether or not to act as an authorizing
19 body to grant a contract to organize and operate 1 or more public
20 school academies under part 6a of ~~Act No. 451 of the Public Acts~~
21 ~~of 1976, being sections 380.501 to 380.507 of the Michigan Compiled~~
22 ~~Laws~~ **THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.501 TO 380.507,**
23 or the granting of a leave of absence to an employee of a school
24 district to participate in a public school academy.

25 (f) The decision of whether or not to contract with a third
26 party for 1 or more noninstructional support services, ~~—; or~~ the
27 procedures for obtaining the contract, ~~—; or~~ the identity of the

1 third party, ~~or~~ or the impact of the contract on individual
2 employees or the bargaining unit.

3 (g) The use of volunteers in providing services at its
4 schools.

5 (h) Decisions concerning use of experimental or pilot programs
6 and staffing of experimental or pilot programs, ~~and~~ decisions
7 concerning use of technology to deliver educational programs and
8 services and staffing to provide the technology, or the impact of
9 these decisions on individual employees or the bargaining unit.

10 (i) Any compensation or additional work assignment intended to
11 reimburse an employee for or allow an employee to recover any
12 monetary penalty imposed under this act.

13 (4) SUBSECTION (3)(A) DOES NOT AFFECT THE DUTY TO BARGAIN WITH
14 RESPECT TO TYPES AND LEVELS OF BENEFITS AND COVERAGES FOR EMPLOYEE
15 GROUP INSURANCE. A CHANGE OR PROPOSED CHANGE IN A TYPE OR TO A
16 LEVEL OF BENEFIT, POLICY SPECIFICATION, OR COVERAGE FOR EMPLOYEE
17 GROUP INSURANCE SHALL BE BARGAINED BY THE PUBLIC SCHOOL EMPLOYER
18 AND THE BARGAINING REPRESENTATIVE BEFORE THE CHANGE MAY TAKE
19 EFFECT. BEFORE COLLECTIVE BARGAINING BEGINS CONCERNING AN EMPLOYEE
20 GROUP INSURANCE BENEFIT, A PUBLIC SCHOOL EMPLOYER SHALL SOLICIT AT
21 LEAST 3 BIDS FROM HEALTH INSURANCE PROVIDERS AND CONSIDER THOSE
22 BIDS IN FORMULATING ANY BENEFIT PROPOSAL TO A BARGAINING
23 REPRESENTATIVE. A PUBLIC SCHOOL EMPLOYER IS AUTHORIZED TO ENGAGE IN
24 BARGAINING WITH A COLLECTIVE BARGAINING REPRESENTATIVE CONCERNING
25 MODIFICATIONS TO THE TYPES AND LEVELS OF EMPLOYEE HEALTH INSURANCE
26 BENEFITS AND COVERAGE DURING THE TERM OF ANY COLLECTIVE BARGAINING
27 AGREEMENT CONTAINING EMPLOYEE HEALTH INSURANCE BENEFITS, IF THE

1 PUBLIC EMPLOYER DETERMINES THAT THE MODIFICATIONS ARE REQUIRED
2 BECAUSE OF ECONOMIC NECESSITY.

3 (5) ~~—(4)—~~ The matters described in subsection (3) are
4 prohibited subjects of bargaining between a public school employer
5 and a bargaining representative of its employees, and, for the
6 purposes of this act, are within the sole authority of the public
7 school employer to decide.