

SUBSTITUTE FOR  
SENATE BILL NO. 982

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~~**MAY** 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 the mutual  
7 obligation of the employer and the representative of the employees  
8 to meet at reasonable times and confer in good faith with respect

1 to wages, hours, and other terms and conditions of employment, or  
2 the negotiation of an agreement, or any question arising under the  
3 agreement, and the execution of a written contract, ordinance, or  
4 resolution incorporating any agreement reached if requested by  
5 either party, but this obligation does not compel either party to  
6 agree to a proposal or require the making of a concession.

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

11 (3) Collective bargaining between a public school employer and  
12 a bargaining representative of its employees shall not include any  
13 of the following subjects:

14 (a) Who is or will be the policyholder of an employee group  
15 insurance benefit. This subdivision does not affect the duty to  
16 bargain with respect to types and levels of benefits and coverages  
17 for employee group insurance. A change or proposed change in a type  
18 or to a level of benefit, policy specification, or coverage for  
19 employee group insurance shall be bargained by the public school  
20 employer and the bargaining representative before the change may  
21 take effect.

22 (b) Establishment of the starting day for the school year and  
23 of the amount of pupil contact time required to receive full state  
24 school aid under section 1284 of the ~~school code of 1976, Act No.~~  
25 ~~451 of the Public Acts of 1976, being section 380.1284 of the~~  
26 ~~Michigan Compiled Laws~~ **REVISED SCHOOL CODE, 1976 PA 451, MCL**  
27 **380.1284**, and under section 101 of the state school aid act of

1 ~~1979, Act No. 94 of the Public Acts of 1979, being section 388.1701~~  
2 ~~of the Michigan Compiled Laws 1979 PA 94, MCL 388.1701.~~

3 (c) ~~Composition of site based decision making bodies~~  
4 ~~established pursuant to section 1202a of Act No. 451 of the Public~~  
5 ~~Acts of 1976, being section 380.1202a of the Michigan Compiled~~  
6 ~~Laws, or **THE COMPOSITION** of school improvement committees~~  
7 ~~established under section 1277 of Act No. 451 of the Public Acts of~~  
8 ~~1976, being section 380.1277 of the Michigan Compiled Laws **THE**~~  
9 ~~**REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1277.**~~

10 (d) The decision of whether or not to provide or allow  
11 interdistrict or intradistrict open enrollment opportunity in a  
12 school district or of which grade levels or schools in which to  
13 allow such an open enrollment opportunity.

14 (e) The decision of whether or not to act as an authorizing  
15 body to grant a contract to organize and operate 1 or more public  
16 school academies under ~~part 6a of Act No. 451 of the Public Acts of~~  
17 ~~1976, being sections 380.501 to 380.507 of the Michigan Compiled~~  
18 ~~Laws **THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852,**~~  
19 or the granting of a leave of absence to an employee of a school  
20 district to participate in a public school academy.

21 (f) The decision of whether or not to contract with a third  
22 party for 1 or more noninstructional support services; or the  
23 procedures for obtaining the contract; or the identity of the third  
24 party; or the impact of the contract on individual employees or the  
25 bargaining unit.

26 (g) The use of volunteers in providing services at its  
27 schools.

1 (h) Decisions concerning use of experimental or pilot programs  
2 and staffing of experimental or pilot programs and decisions  
3 concerning use of technology to deliver educational programs and  
4 services and staffing to provide the technology, or the impact of  
5 these decisions on individual employees or the bargaining unit.

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

9 (4) The matters described in subsection (3) are prohibited  
10 subjects of bargaining between a public school employer and a  
11 bargaining representative of its employees, and, for the purposes  
12 of this act, are within the sole authority of the public school  
13 employer to decide.

14 (5) IF A SCHOOL DISTRICT IS DESIGNATED AS A TURNAROUND SCHOOL  
15 DISTRICT BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SECTION  
16 1280C OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1280C, AND A  
17 CHIEF EDUCATIONAL OFFICER IS APPOINTED TO OPERATE THE TURNAROUND  
18 SCHOOL DISTRICT UNDER THAT SECTION, THEN, FOR THE PURPOSES OF  
19 COLLECTIVE BARGAINING UNDER THIS ACT, THE CHIEF EDUCATIONAL OFFICER  
20 OPERATING THE TURNAROUND SCHOOL DISTRICT IS THE PUBLIC SCHOOL  
21 EMPLOYER OF THE PUBLIC SCHOOL EMPLOYEES OF THE TURNAROUND SCHOOL  
22 DISTRICT FOR AS LONG AS THE TURNAROUND SCHOOL DISTRICT IS OPERATED  
23 BY THE CHIEF EDUCATIONAL OFFICER.

24 (6) A PUBLIC SCHOOL EMPLOYER'S COLLECTIVE BARGAINING DUTY  
25 UNDER THIS ACT AND A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO  
26 BY A PUBLIC SCHOOL EMPLOYER UNDER THIS ACT ARE SUBJECT TO ALL OF  
27 THE FOLLOWING:

1           (A) ANY EFFECT ON COLLECTIVE BARGAINING AND ANY MODIFICATION  
2 OF A COLLECTIVE BARGAINING AGREEMENT OCCURRING UNDER SECTION 1280C  
3 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1280C.

4           (B) FOR A PUBLIC SCHOOL IN WHICH THE SUPERINTENDENT OF PUBLIC  
5 INSTRUCTION IMPLEMENTS 1 OF THE 4 SCHOOL INTERVENTION MODELS  
6 DESCRIBED IN SECTION 1280(13)(D) OF THE REVISED SCHOOL CODE, 1976  
7 PA 451, MCL 380.1280, IF THE TURNAROUND MODEL THAT IS IMPLEMENTED  
8 AFFECTS COLLECTIVE BARGAINING OR REQUIRES MODIFICATION OF A  
9 COLLECTIVE BARGAINING AGREEMENT, ANY EFFECT ON COLLECTIVE  
10 BARGAINING AND ANY MODIFICATION OF A COLLECTIVE BARGAINING  
11 AGREEMENT UNDER THAT SCHOOL INTERVENTION MODEL.

12           Enacting section 1. This amendatory act does not take effect  
13 unless all of the following bills of the 95th Legislature are  
14 enacted into law:

- 15           (a) Senate Bill No. 638.  
16           (b) Senate Bill No. 925.  
17           (c) Senate Bill No. 926.  
18           (d) Senate Bill No. 965.  
19           (e) Senate Bill No. 981.  
20           (f) Senate Bill No. 994.

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