

HOUSE BILL No. 4219

February 10, 2009, Introduced by Reps. Miller, Roberts, Switalski, Gregory, Haugh, Melton and Donigan and referred to the Committee on Labor.

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

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

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

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

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

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

1 section 101 of the state school aid act of 1979, ~~Act No. 94 of the~~
2 ~~Public Acts of 1979, being section 388.1701 of the Michigan~~
3 ~~Compiled Laws 1979 PA 94, MCL 388.1701.~~

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

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

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

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

27 **(F)** ~~(g)~~ The use of volunteers in providing services at its

1 schools.

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

8 (H) ~~(i)~~—Any compensation or additional work assignment
9 intended to reimburse an employee for or allow an employee to
10 recover any monetary penalty imposed under this act.

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