

# HOUSE BILL No. 4917

May 12, 2009, Introduced by Reps. Durhal, Bettie Scott, Constan, Huckleberry, Johnson, Nathan, Liss, Slezak, Slavens, Haugh, Kennedy, Kandrevas and Melton 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

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

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

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

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

26 (b) Establishment of the starting day for the school year and  
27 of the amount of pupil contact time required to receive full state

1 school aid under section 1284 of the ~~school code of 1976, Act No.~~  
2 ~~451 of the Public Acts of 1976, being section 380.1284 of the~~  
3 ~~Michigan Compiled Laws~~ **REVISED SCHOOL CODE, 1976 PA 451, MCL**  
4 **380.1284**, and under section 101 of the state school aid act of  
5 1979, ~~Act No. 94 of the Public Acts of 1979, being section 388.1701~~  
6 ~~of the Michigan Compiled Laws~~ **1979 PA 94, MCL 388.1701.**

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

1 party; or the impact of the contract on individual employees or the  
2 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) The matters described in subsection (3) are prohibited  
14 subjects of bargaining between a public school employer and a  
15 bargaining representative of its employees, and, for the purposes  
16 of this act, are within the sole authority of the public school  
17 employer to decide.

18 (5) IF COLLECTIVE BARGAINING BETWEEN A CITY WITH A POPULATION  
19 OF 500,000 OR MORE AND ITS POLICE OR FIREFIGHTING EMPLOYEES RESULTS  
20 IN A REQUIREMENT THAT THE BOARD OF TRUSTEES OF THE POLICE OR  
21 FIREFIGHTERS' PENSION OR RETIREMENT SYSTEM INCLUDE 1 OR MORE  
22 REPRESENTATIVES OF MEMBERS OF THE PENSION OR RETIREMENT SYSTEM OR  
23 OF THE COLLECTIVE BARGAINING UNIT, THE METHOD OF SELECTION OF THOSE  
24 REPRESENTATIVES IS A PROHIBITED SUBJECT OF BARGAINING. THE  
25 RETIREMENT BOARD OR PENSION BOARD SHALL ADOPT RULES AND REGULATIONS  
26 TO GOVERN THE ELECTION OF THOSE REPRESENTATIVES. THE RULES SHALL  
27 PROVIDE THAT THE REPRESENTATIVES SHALL BE ELECTED BY A MAJORITY

1 VOTE OF ALL ACTIVE AND RETIRED MEMBERS OF THE POLICE OR FIRE  
2 DEPARTMENT WHO ARE ACTIVE OR RETIRED MEMBERS OF THE PENSION OR  
3 RETIREMENT SYSTEM AND ASSURE THAT EACH OF THE RETIRED OR ACTIVE  
4 MEMBERS HAS AN EQUAL VOTE. RETIRED MEMBERS OF THE PENSION OR  
5 RETIREMENT SYSTEM SHALL HAVE NO RIGHT TO NOMINATE CANDIDATES TO THE  
6 PENSION OR RETIREMENT BOARD, ALTHOUGH THEY SHALL HAVE THE RIGHT TO  
7 VOTE ON THE CANDIDATES NOMINATED BY THE ACTIVE MEMBERS. THIS  
8 SUBSECTION APPLIES TO A COLLECTIVE BARGAINING AGREEMENT OR AN  
9 EXTENSION OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT THAT TAKES  
10 EFFECT ON OR AFTER THE DATE THAT THIS SUBSECTION TAKES EFFECT.