

# Legislative Analysis

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## **GRADUATE RESEARCH ASSISTANTS, ETC. HAVE NO COLLECTIVE BARGAINING RIGHTS**

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### **Senate Bill 971**

**Sponsor: Sen. Randy Richardville**

**House Committee: Government Operations**

**Senate Committee: Government Operations**

**Complete to 2-28-12**

### **A SUMMARY OF SENATE BILL 971 AS PASSED BY THE SENATE 2-22-12**

The bill would amend the Public Employment Relations Act to specify that graduate research assistants and those in equivalent positions are not public employees entitled to representation or collective bargaining rights under the act.

The bill also applies to any individual "whose position does not have sufficient indicia of an employer-employee relationship using the 20-factor test announced by the [federal] Internal Revenue Service . . . in revenue ruling 87-41, 1987-1 C.B. 296." This ruling is used to distinguish between employees and independent contractors. The 20 factors are listed beginning on Page 3 of the following document from the Joint Committee on Taxation of the U.S. Congress:

<http://www.irs.gov/pub/irs-utl/x-26-07.pdf>

MCL 423.201

### **FISCAL IMPACT:**

The bill would have no direct fiscal impact on state or local government. Any indirect impact on university costs would depend, in part, on whether the change in definition contained in the bill affected potential collective bargaining between universities and graduate student research assistants.

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