

HOUSE BILL No. 4135

January 25, 2011, Introduced by Reps. Durhal, Liss, Womack, Tlaib, Stapleton, Stallworth, Rutledge, Daley, Walsh, Haines, McMillin, Lund, Kowall, Denby, Olumba, Constan, Darany, Slavens, Melton, LeBlanc, Haugh and Cavanagh and referred to the Committee on Oversight, Reform, and Ethics.

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 2009 PA 201.

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 described in section 11 and
3 may make and enter into collective bargaining agreements with those
4 representatives. Except as otherwise provided in this section, for
5 the purposes of this section, to bargain collectively is ~~the~~
6 ~~performance of~~ **TO PERFORM** the mutual obligation of the employer and
7 the representative of the employees to meet at reasonable times and
8 confer in good faith with respect to wages, hours, and other terms

1 and conditions of employment, or ~~the negotiation of~~ **TO NEGOTIATE** an
2 agreement, or any question arising under the agreement, and ~~the~~
3 ~~execution of~~ **TO EXECUTE** 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~~ **MAKE** 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 revised school code, 1976 PA
25 451, MCL 380.1284, and under section 101 of the state school aid
26 act of 1979, 1979 PA 94, MCL 388.1701.

27 (c) The composition of school improvement committees

1 established under section 1277 of the revised school code, 1976 PA
2 451, MCL 380.1277.

3 (d) The decision of whether or not to provide or allow
4 interdistrict or intradistrict open enrollment opportunity in a
5 school district or of which grade levels or schools in which to
6 allow such an open enrollment opportunity.

7 (e) The decision of whether or not to act as an authorizing
8 body to grant a contract to organize and operate 1 or more public
9 school academies under the revised school code, 1976 PA 451, MCL
10 380.1 to 380.1852.

11 (f) The decision of whether or not to contract with a third
12 party for 1 or more noninstructional support services; or the
13 procedures for obtaining the contract for noninstructional support
14 services other than bidding described in this subdivision; or the
15 identity of the third party; or the impact of the contract for
16 noninstructional support services on individual employees or the
17 bargaining unit. However, this subdivision applies only if the
18 bargaining unit that is providing the noninstructional support
19 services is given an opportunity to bid on the contract for the
20 noninstructional support services on an equal basis as other
21 bidders.

22 (g) The use of volunteers in providing services at its
23 schools.

24 (h) Decisions concerning use of experimental or pilot programs
25 and staffing of experimental or pilot programs and decisions
26 concerning use of technology to deliver educational programs and
27 services and staffing to provide the technology, or the impact of

1 these decisions on individual employees or the bargaining unit.

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

5 (4) Except as otherwise provided in subsection (3)(f), the
6 matters described in subsection (3) are prohibited subjects of
7 bargaining between a public school employer and a bargaining
8 representative of its employees, and, for the purposes of this act,
9 are within the sole authority of the public school employer to
10 decide.

11 (5) If a public school is placed in the state school
12 reform/redesign school district or is placed under a chief
13 executive officer under section 1280c of the revised school code,
14 1976 PA 451, MCL 380.1280c, then, for the purposes of collective
15 bargaining under this act, the state school reform/redesign officer
16 or the chief executive officer, as applicable, is the public school
17 employer of the public school employees of that public school for
18 as long as the public school is part of the state school
19 reform/redesign school district or operated by the chief executive
20 officer.

21 (6) A public school employer's collective bargaining duty
22 under this act and a collective bargaining agreement entered into
23 by a public school employer under this act are subject to all of
24 the following:

25 (a) Any effect on collective bargaining and any modification
26 of a collective bargaining agreement occurring under section 1280c
27 of the revised school code, 1976 PA 451, MCL 380.1280c.

1 (b) For a public school in which the superintendent of public
2 instruction implements 1 of the 4 school intervention models
3 described in section 1280c of the revised school code, 1976 PA 451,
4 MCL 380.1280c, if the school intervention model that is implemented
5 affects collective bargaining or requires modification of a
6 collective bargaining agreement, any effect on collective
7 bargaining and any modification of a collective bargaining
8 agreement under that school intervention model.

9 (7) IF THE CHARTER OF A CITY, VILLAGE, OR TOWNSHIP WITH A
10 POPULATION OF 500,000 OR MORE SPECIFIES THE SELECTION OF A RETIRANT
11 MEMBER OF THE MUNICIPALITY'S FIRE DEPARTMENT, POLICE DEPARTMENT, OR
12 FIRE AND POLICE DEPARTMENT PENSION OR RETIREMENT BOARD, THE METHOD
13 OF SELECTION OF THAT MEMBER IS A PROHIBITED SUBJECT OF BARGAINING.