

HOUSE BILL No. 5925

September 21, 2016, Introduced by Rep. Lucido and referred to the Committee on Appropriations.

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; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,"

by amending section 15b (MCL 423.215b), as amended by 2014 PA 322.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15b. (1) Except as otherwise provided in this section,
2 after the expiration date of a collective bargaining agreement and
3 until a successor collective bargaining agreement is in place, a
4 public employer shall pay and provide wages and benefits at levels
5 and amounts that are no greater than those in effect on the
6 expiration date of the collective bargaining agreement. The
7 prohibition in this subsection includes increases that would result

1 from wage step increases. Employees who receive health, dental,
2 vision, prescription, or other insurance benefits under a
3 collective bargaining agreement shall bear any increased costs of
4 maintaining those benefits that occur after the expiration date.
5 The public employer may make payroll deductions necessary to pay
6 the increased costs of maintaining those benefits.

7 (2) Except as provided in subsection (3) or (4), the parties
8 to a collective bargaining agreement shall not agree to, and an
9 arbitration panel shall not order, any retroactive wage or benefit
10 levels or amounts that are greater than those in effect on the
11 expiration date of the collective bargaining agreement.

12 (3) For a collective bargaining agreement that expired before
13 June 8, 2011, ~~the requirements of this section apply~~ **APPLIES** to
14 limit wages and benefits to the levels and amounts in effect on
15 June 8, 2011.

16 (4) All of the following apply to a public employee eligible
17 to submit labor disputes to compulsory arbitration under 1969 PA
18 312, MCL 423.231 to 423.247:

19 (a) Subsection (1) does not prohibit wage or benefit
20 increases, including step increases, expressly authorized under the
21 expired collective bargaining agreement.

22 (b) The increase in employee costs for maintaining health,
23 dental, vision, prescription, or other insurance benefits after the
24 collective bargaining contract expiration date that the employee is
25 required to bear under subsection (1) shall not cause the total
26 employee costs for those benefits to exceed the amount of the
27 employee's share under the publicly funded health insurance

1 contribution act, 2011 PA 152, MCL 15.561 to ~~15.269~~ **15.569**. If the
2 public employer is exempt from the limitations of that act, the
3 total employee costs for those benefits shall not exceed ~~the higher~~
4 ~~of~~ the minimum required employee share under section ~~3 or 4~~ of the
5 publicly funded health insurance contribution act, 2011 PA 152, MCL
6 ~~15.563 and 15.264~~, **15.564**, calculated as if the public employer
7 were subject to that act.

8 (c) Subsection (2) does not prohibit retroactive application
9 of a wage or benefit increase if the increase is awarded in the
10 decision of the arbitration panel under 1969 PA 312, MCL 423.231 to
11 423.247, or included in a negotiated bargaining agreement.

12 (5) As used in this section:

13 (a) "Expiration date" means the expiration date set forth in a
14 collective bargaining agreement without regard to any agreement of
15 the parties to extend or honor the collective bargaining agreement
16 during pending negotiations for a successor collective bargaining
17 agreement.

18 (b) "Increased costs" in regard to insurance benefits means
19 the difference in premiums or illustrated rates between the prior
20 year and the current coverage year. The difference shall be
21 calculated based on changes in costs by category of coverage and
22 not on changes in individual employee marital or dependent status.

23 Enacting section 1. This amendatory act takes effect March 1,
24 2017.

25 Enacting section 2. This amendatory act does not take effect
26 unless Senate Bill No. ____ or House Bill No. 5924 (request no.
27 06514'16) of the 98th Legislature is enacted into law.