

## ALLOW INCLUSION OF CERTAIN TOPICS DURING COLLECTIVE BARGAINING UNDER PERA

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4354 as enacted**  
**Public Act 115 of 2023**  
**Sponsor: Rep. Regina Weiss**  
**House Committee: Labor**  
**Senate Committee: Labor**  
**Complete to 12-1-23**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4354 amends 1947 PA 336, the public employment relations act (PERA), to permit the inclusion of certain topics during collective bargaining for public school employees.

Among other excluded topics, PERA previously provided that decisions about the development, content, standards, procedures, adoption, and implementation of certain subjects could not be included in collective bargaining negotiations between a public school employer and a representative of its employees. The impact of those decisions on an individual employee or the bargaining unit was also a prohibited topic. These restricted subjects were:

- A public school employer's teacher placement policy.
- A public school employer's policies regarding personnel decisions when conducting a reduction, eliminating a position, recalling or hiring employees, or making any related decisions.
- The performance evaluation system, including decisions concerning the content of a performance evaluation of an employee.
- The policy regarding the discharge or discipline of a teacher.
- The format, timing, or number of classroom observations.
- The policy regarding the method of compensation, including decisions about how an employee performance evaluation is used to determine performance-based compensation.
- The notification to parents and legal guardians required under section 1249a of the Revised School Code.<sup>1</sup>

The following subjects also were prohibited from collective bargaining negotiations:

- A public employer's decision whether to enter into an intergovernmental agreement to consolidate services.
- The procedures for obtaining a contract for the transfer of functions or responsibilities under such an agreement.
- The identities of any other parties subject to the agreement.

Under House Bill 4354, the subjects from both lists are permitted topics.

MCL 423.215

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<sup>1</sup> This section provides that if a school is unable to comply with the requirement that it cannot assign a student to be taught in the same subject area for two consecutive years by a teacher who has been rated as ineffective for two consecutive years, the student's parent or legal guardian must be notified.

## **FISCAL IMPACT:**

The bill would have an indeterminate, but likely minimal, fiscal impact on local school districts, intermediate school districts (ISDs), and public school academies (PSAs). Any fiscal impact for an individual district, ISD, or PSA would be directly related to the assumed costs or benefits of any new collective bargaining agreement under the provisions of the bill compared to the prior or alternative status of any collective bargaining agreement that prohibited certain subjects from being collectively bargained.

Legislative Analyst: Holly Kuhn  
Fiscal Analysts: Noel Benson  
Jacqueline Mullen

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