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House Bill 4354 (Substitute H-1 as passed by the House)

Sponsor: Representative Regina Weiss

House Committee: Labor

Senate Committee: Labor

Date Completed: 6-21-23

CONTENT

The bill would amend the public employment relations Act to delete prohibitions against certain subjects being included in a collective bargaining agreement between a public school employer and a bargaining representative.

Generally, the Act prohibits strikes by certain public employees, requires certain provisions in collective bargaining agreements, declares the rights and privileges of public employees, and provides for the mediation of grievances between public employees and public employers.

The Act prohibits collective bargaining between a public school employer and a bargaining representative from including any of the following subjects:

- Any decision made by the public school employer regarding teacher placement, or the impact of that decision on an individual employee or the bargaining unit.
- Decisions about the public school employer's policies regarding personnel decisions when conducting a staffing or program reduction or any other personnel determination resulting in the elimination of a position.
- Decisions about a public school employer's performance evaluation system, decisions concerning the content of a performance evaluation of an employee, or the impact of those decisions on an individual employee or the bargaining unit.
- Decisions about a policy regarding discharge or discipline of an employee, decisions concerning the discharge or discipline of an individual employee, or the impact of those decisions on an individual employee or the bargaining unit.
- Decisions about classroom observations, decisions concerning the classroom observation of an individual employee, or the impact of those decisions on an individual employee or the bargaining unit.
- Decisions about compensation required under the Revised School Code, decisions about how an employee performance evaluation is used to determine performance-based compensation under the Code, decisions concerning the performance-based compensation of an individual employee, or the impact of those decisions on an individual employee or the bargaining unit.
- Decisions about a notification to parents and legal guardians concerning a teacher's ineffective rating.

The bill would delete the provisions described above. The bill also would delete the following subjects of bargaining from being at the sole discretion of the public employer:

- A decision as to whether the public employer will enter into an intergovernmental agreement to consolidate one or more functions or services.
- The procedures for obtaining a contract for the transfer of functions or responsibilities under an agreement described above.
- The identities of any other parties to an agreement described above.

MCL 423.215

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

The bill is a reintroduction of Senate Bill 909 of the 2021-2022 Legislative Session.

Legislative Analyst: Alex Krabill

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local intermediate school districts, school districts, and public school academies that have collective bargaining agreements. The impact would depend on whether a collective bargaining agreement, allowed under the bills, increased costs to the local unit than otherwise would have been permitted under current law.

Fiscal Analyst: Cory Savino, PhD

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.