



HOUSE BILL No. 4947

July 13, 1993, Introduced by Reps. Rhead, Dobb, Gilmer, Crissman, Bullard, Walberg, Dolan, Jaye, Goschka, Dalman, Middleton, Horton, Kukuk, Lowe, McManus, Voorhees, Hammerstrom, Galloway, Jamian, Jersevic, Bender, Gernaat, McBryde, Shugars, Sikkema, London, Stille and Nye and referred to the Committee on Appropriations.

A bill to amend section 15 of Act No. 336 of the Public Acts of 1947, entitled as amended

"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,"

being section 423.215 of the Michigan Compiled Laws; and to add section 15a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15 of Act No. 336 of the Public Acts of
2 1947, being section 423.215 of the Michigan Compiled Laws, is
3 amended and section 15a is added to read as follows:

4 Sec. 15. ~~(+)~~ A EXCEPT AS PROVIDED IN SECTION 15A, A
5 public employer shall bargain collectively with the
6 representatives of its employees as defined in section 11 and is

1 authorized to make and enter into collective bargaining
2 agreements with ~~such~~ THE representatives. For the purposes of
3 this section, to bargain collectively is the performance of the
4 mutual obligation of the employer and the representative of the
5 employees to meet at reasonable times and confer in good faith
6 with respect to wages, hours, and other terms and conditions of
7 employment, or the negotiation of an agreement, ~~or~~ any question
8 arising ~~thereunder~~ UNDER THE AGREEMENT, and the execution of a
9 written contract, ordinance, or resolution incorporating any
10 agreement reached if requested by either party. ~~, but such~~
11 HOWEVER, THAT obligation does not compel either party to agree to
12 a proposal or require the making of a concession.

13 SEC. 15A. (1) A PROVISION OF THE MICHIGAN PUBLIC EMPLOYEE
14 DEFINED CONTRIBUTION PLAN ACT OR THE POLITICAL SUBDIVISION
15 RETIREMENT AND PENSION PLAN CLOSURE ACT SHALL NOT BE ALTERED,
16 AMENDED, MODIFIED, SUPERSEDED, OR OTHERWISE AFFECTED BY THE TERMS
17 OF A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO UNDER THIS ACT
18 ON OR AFTER JANUARY 1, 1994. HOWEVER, A COLLECTIVE BARGAINING
19 AGREEMENT ENTERED INTO UNDER THIS ACT MAY ESTABLISH OR AFFECT, OR
20 BOTH, THE TERMS OF A DEFINED CONTRIBUTION PLAN ESTABLISHED BY A
21 POLITICAL SUBDIVISION PURSUANT TO THE POLITICAL SUBDIVISION
22 RETIREMENT AND PENSION PLAN CLOSURE ACT.

23 (2) A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO UNDER
24 THIS ACT SHALL NOT PROVIDE THAT A PUBLIC EMPLOYEE WHO IS A PAR-
25 TICIPANT IN THE MICHIGAN PUBLIC EMPLOYEE DEFINED CONTRIBUTION
26 PLAN CREATED BY THE MICHIGAN PUBLIC EMPLOYEE DEFINED CONTRIBUTION
27 PLAN ACT SHALL BE A MEMBER OR PARTICIPANT IN MORE THAN 1 PUBLIC

1 EMPLOYEE DEFINED BENEFIT OR DEFINED CONTRIBUTION PLAN BASED UPON
2 SIMULTANEOUS PUBLIC EMPLOYMENT RENDERED TO THE SAME PUBLIC
3 EMPLOYER. THIS SUBSECTION DOES NOT PROHIBIT A PARTICIPANT IN THE
4 MICHIGAN PUBLIC EMPLOYEE DEFINED CONTRIBUTION PLAN FROM PARTICI-
5 PATING IN A DEFERRED COMPENSATION PLAN ESTABLISHED BY THE
6 PARTICIPANT'S EMPLOYER PURSUANT TO THE INTERNAL REVENUE CODE, IF
7 THE DEFERRED COMPENSATION PLAN PROVIDES FOR ONLY EMPLOYEE
8 CONTRIBUTIONS.

9 (3) FOR EMPLOYEES WHOSE EFFECTIVE DATE OF EMPLOYMENT IS ON
10 OR AFTER 12:01 A.M. JANUARY 1, 1994, A POSTRETIREMENT, ANCILLARY,
11 OR SUBORDINATE BENEFIT INCLUDING BUT NOT LIMITED TO HOSPITAL,
12 MEDICAL-SURGICAL, SICK CARE, DENTAL, VISION, HEARING, AND OTHER
13 HEALTH BENEFITS SHALL NOT BE PROVIDED OR PAID FOR PURSUANT TO A
14 COLLECTIVE BARGAINING AGREEMENT ENTERED INTO UNDER THIS ACT ON OR
15 AFTER JANUARY 1, 1994 UNLESS AUTHORIZED WITHIN THE PROVISIONS OF
16 AN EMPLOYER SPONSORED DEFINED CONTRIBUTION PLAN.

17 (4) A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO UNDER
18 THIS ACT ON OR AFTER JANUARY 1, 1994 SHALL NOT PROVIDE FOR ALTER-
19 ATION, AMENDMENT, MODIFICATION, REPEAL, OR ANY OTHER CHANGE IN
20 THE 1993 AMENDMENTS TO THE FOLLOWING PUBLIC ACTS:

21 (A) THE PUBLIC SCHOOL EMPLOYEES RETIREMENT ACT OF 1979, ACT
22 NO. 300 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 38.1301 TO
23 38.1409 OF THE MICHIGAN COMPILED LAWS.

24 (B) THE MUNICIPAL EMPLOYEES RETIREMENT ACT OF 1984, ACT
25 NO. 427 OF THE PUBLIC ACTS OF 1984, BEING SECTIONS 38.1501 TO
26 38.1559 OF THE MICHIGAN COMPILED LAWS.

1 (C) SECTION 12A OF ACT NO. 156 OF THE PUBLIC ACTS OF 1851,
2 BEING SECTION 46.12A OF THE MICHIGAN COMPILED LAWS.

3 (D) THE SCHOOL CODE OF 1976, ACT NO. 451 OF THE PUBLIC ACTS
4 OF 1976, BEING SECTIONS 380.1 TO 380.1852 OF THE MICHIGAN
5 COMPILED LAWS.

6 (5) THE PROVISIONS OF THIS SECTION APPLY TO EMPLOYEES WHOSE
7 EFFECTIVE DATE OF EMPLOYMENT BY THIS STATE OR A POLITICAL SUBDI-
8 VISION OF THIS STATE IS ON OR AFTER JANUARY 1, 1994 OR ON OR
9 AFTER THE EXPIRATION OF A COLLECTIVE BARGAINING AGREEMENT THAT IS
10 IN EFFECT ON DECEMBER 31, 1993, WHICHEVER OCCURS LATER.

11 (6) THIS SECTION DOES NOT APPLY TO COLLECTIVE BARGAINING
12 AGREEMENTS ENTERED INTO UNDER THIS ACT ON BEHALF OF POLICE OFFI-
13 CERS OR FIRE FIGHTERS WHO ARE SUBJECT TO COMPULSORY ARBITRATION
14 OF LABOR DISPUTES PURSUANT TO ACT NO. 312 OF THE PUBLIC ACTS OF
15 1969, BEING SECTIONS 423.231 TO 423.247 OF THE MICHIGAN COMPILED
16 LAWS.

17 Section 2. This amendatory act shall not take effect unless
18 Senate Bill No. _____ or House Bill No. 4936 (request
19 no. 03641'93 **) of the 87th Legislature is enacted into law.