

# HOUSE BILL No. 4788

April 2, 2009, Introduced by Reps. Johnson and Melton and referred to the Committee on Education.

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 1994 PA 112.

**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 ~~defined~~**DESCRIBED** in  
3 section 11 and ~~is authorized to~~**MAY** make and enter into collective  
4 bargaining agreements with ~~such~~**THOSE** representatives. Except as  
5 otherwise provided in this section, for the purposes of this  
6 section, to bargain collectively is the performance of the mutual  
7 obligation of the employer and the representative of the employees

1 to meet at reasonable times and confer in good faith with respect  
2 to wages, hours, and other terms and conditions of employment, or  
3 the negotiation of an agreement, or any question arising under the  
4 agreement, and the execution of a written contract, ordinance, or  
5 resolution incorporating any agreement reached if requested by  
6 either party, but this obligation does not compel either party to  
7 agree to a proposal or require the making of a concession.

8 (2) A public school employer has the responsibility,  
9 authority, and right to manage and direct on behalf of the public  
10 the operations and activities of the public schools under its  
11 control.

12 (3) Collective bargaining between a public school employer and  
13 a bargaining representative of its employees shall not include any  
14 of the following subjects:

15 (a) Who is or will be the policyholder of an employee group  
16 insurance benefit. This subdivision does not affect the duty to  
17 bargain with respect to types and levels of benefits and coverages  
18 for employee group insurance. A change or proposed change in a type  
19 or to a level of benefit, policy specification, or coverage for  
20 employee group insurance shall be bargained by the public school  
21 employer and the bargaining representative before the change may  
22 take effect.

23 (b) Establishment of the starting day for the school year and  
24 of the amount of pupil contact time required to receive full state  
25 school aid under section 1284 of the ~~school code of 1976, Act No.~~  
26 ~~451 of the Public Acts of 1976, being section 380.1284 of the~~  
27 ~~Michigan Compiled Laws~~ **REVISED SCHOOL CODE, 1976 PA 451, MCL**

1 380.1284, and under section 101 of the state school aid act of  
2 1979, ~~Act No. 94 of the Public Acts of 1979, being section 388.1701~~  
3 ~~of the Michigan Compiled Laws 1979 PA 94, MCL 388.1701.~~

4 (c) ~~Composition of site based decision making bodies~~  
5 ~~established pursuant to section 1202a of Act No. 451 of the Public~~  
6 ~~Acts of 1976, being section 380.1202a of the Michigan Compiled~~  
7 ~~Laws, or THE COMPOSITION of school improvement committees~~  
8 ~~established under section 1277 of Act No. 451 of the Public Acts of~~  
9 ~~1976, being section 380.1277 of the Michigan Compiled Laws THE~~  
10 **REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1277.**

11 (d) The decision of whether or not to provide or allow  
12 interdistrict or intradistrict open enrollment opportunity in a  
13 school district or of which grade levels or schools in which to  
14 allow such an open enrollment opportunity.

15 (e) The decision of whether or not to act as an authorizing  
16 body to grant a contract to organize and operate 1 or more public  
17 school academies under ~~part 6a of Act No. 451 of the Public Acts of~~  
18 ~~1976, being sections 380.501 to 380.507 of the Michigan Compiled~~  
19 ~~Laws THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO 380.1852,~~  
20 or the granting of a leave of absence to an employee of a school  
21 district to participate in a public school academy.

22 (f) The decision of whether or not to contract with a third  
23 party for 1 or more noninstructional support services; or the  
24 procedures for obtaining the contract; or the identity of the third  
25 party; or the impact of the contract on individual employees or the  
26 bargaining unit.

27 (g) The use of volunteers in providing services at its

1 schools.

2 (h) Decisions concerning use of experimental or pilot programs  
3 and staffing of experimental or pilot programs and decisions  
4 concerning use of technology to deliver educational programs and  
5 services and staffing to provide the technology, or the impact of  
6 these decisions on individual employees or the bargaining unit.

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

10 (4) The matters described in subsection (3) are prohibited  
11 subjects of bargaining between a public school employer and a  
12 bargaining representative of its employees, and, for the purposes  
13 of this act, are within the sole authority of the public school  
14 employer to decide.

15 **(5) A PUBLIC SCHOOL EMPLOYER'S COLLECTIVE BARGAINING DUTY**  
16 **UNDER THIS ACT AND A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO**  
17 **UNDER THIS ACT ARE SUBJECT TO SECTION 1280C OF THE REVISED SCHOOL**  
18 **CODE, 1976 PA 451, MCL 380.1280C.**

19 Enacting section 1. This amendatory act does not take effect  
20 unless Senate Bill No.\_\_\_\_ or House Bill No. 4787(request no.  
21 02345'09) of the 95th Legislature is enacted into law.