

# SENATE BILL No. 493

June 16, 2011, Introduced by Senator MEEKHOF and referred to the Committee on Reforms,  
Restructuring and Reinventing.

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 2011 PA 25.

**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 described in section 11 and  
3 may make and enter into collective bargaining agreements with those  
4 representatives. Except as otherwise provided in this section, for  
5 the purposes of this section, to bargain collectively is to perform  
6 the mutual obligation of the employer and the representative of the

1 employees to meet at reasonable times and confer in good faith with  
2 respect to wages, hours, and other terms and conditions of  
3 employment, or to negotiate an agreement, or any question arising  
4 under the agreement, and to execute a written contract, ordinance,  
5 or 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 make 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 revised school code, 1976 PA  
26 451, MCL 380.1284, and under section 101 of the state school aid  
27 act of 1979, 1979 PA 94, MCL 388.1701.

1 (c) The composition of school improvement committees  
2 established under section 1277 of the revised school code, 1976 PA  
3 451, MCL 380.1277.

4 (d) The decision of whether or not to provide or allow  
5 interdistrict or intradistrict open enrollment opportunity in a  
6 school district or of which grade levels or schools in which to  
7 allow such an open enrollment opportunity.

8 (e) The decision of whether or not to act as an authorizing  
9 body to grant a contract to organize and operate 1 or more public  
10 school academies under the revised school code, 1976 PA 451, MCL  
11 380.1 to 380.1852.

12 (f) The decision of whether or not to contract with a third  
13 party for 1 or more noninstructional support services; or the  
14 procedures for obtaining the contract for noninstructional support  
15 services other than bidding described in this subdivision; or the  
16 identity of the third party; or the impact of the contract for  
17 noninstructional support services on individual employees or the  
18 bargaining unit. However, this subdivision applies only if the  
19 bargaining unit that is providing the noninstructional support  
20 services is given an opportunity to bid on the contract for the  
21 noninstructional support services on an equal basis as other  
22 bidders.

23 (g) The use of volunteers in providing services at its  
24 schools.

25 (h) Decisions concerning use of experimental or pilot programs  
26 and staffing of experimental or pilot programs and decisions  
27 concerning use of technology to deliver educational programs and

1 services and staffing to provide the technology, or the impact of  
2 these decisions on individual employees or the bargaining unit.

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

6 (4) Except as otherwise provided in subsection (3)(f), the  
7 matters described in subsection (3) are prohibited subjects of  
8 bargaining between a public school employer and a bargaining  
9 representative of its employees, and, for the purposes of this act,  
10 are within the sole authority of the public school employer to  
11 decide.

12 (5) If a public school is placed in the state school  
13 reform/redesign school district or is placed under a chief  
14 executive officer under section 1280c of the revised school code,  
15 1976 PA 451, MCL 380.1280c, then, for the purposes of collective  
16 bargaining under this act, the state school reform/redesign officer  
17 or the chief executive officer, as applicable, is the public school  
18 employer of the public school employees of that public school for  
19 as long as the public school is part of the state school  
20 reform/redesign school district or operated by the chief executive  
21 officer.

22 (6) A public school employer's collective bargaining duty  
23 under this act and a collective bargaining agreement entered into  
24 by a public school employer under this act are subject to all of  
25 the following:

26 (a) Any effect on collective bargaining and any modification  
27 of a collective bargaining agreement occurring under section 1280c

1 of the revised school code, 1976 PA 451, MCL 380.1280c.

2 (b) For a public school in which the superintendent of public  
3 instruction implements 1 of the 4 school intervention models  
4 described in section 1280c of the revised school code, 1976 PA 451,  
5 MCL 380.1280c, if the school intervention model that is implemented  
6 affects collective bargaining or requires modification of a  
7 collective bargaining agreement, any effect on collective  
8 bargaining and any modification of a collective bargaining  
9 agreement under that school intervention model.

10 (7) Each collective bargaining agreement entered into between  
11 a public employer and public employees under this act after March  
12 16, 2011 shall include a provision that allows an emergency manager  
13 appointed under the local government and school district fiscal  
14 accountability act, 2011 PA 4, MCL 141.1501 to 141.1531, to reject,  
15 modify, or terminate the collective bargaining agreement as  
16 provided in the local government and school district fiscal  
17 accountability act, 2011 PA 4, MCL 141.1501 to 141.1531. Provisions  
18 required by this subsection are prohibited subjects of bargaining  
19 under this act.

20 (8) Collective bargaining agreements under this act may be  
21 rejected, modified, or terminated pursuant to the local government  
22 and school district fiscal accountability act, 2011 PA 4, MCL  
23 141.1501 to 141.1531. This act does not confer a right to bargain  
24 that would infringe on the exercise of powers under the local  
25 government and school district fiscal accountability act, 2011 PA  
26 4, MCL 141.1501 to 141.1531.

27 (9) A unit of local government that enters into a consent

1 agreement under the local government and school district fiscal  
2 accountability act, 2011 PA 4, MCL 141.1501 to 141.1531, is not  
3 subject to subsection (1) for the term of the consent agreement, as  
4 provided in the local government and school district fiscal  
5 accountability act, 2011 PA 4, MCL 141.1501 to 141.1531.

6 (10) If the charter of a city, village, or township with a  
7 population of 500,000 or more specifies the selection of a retirant  
8 member of the municipality's fire department, police department, or  
9 fire and police department pension or retirement board, the method  
10 of selection of that member is a prohibited subject of bargaining.

11 (11) A PUBLIC EMPLOYER'S DECISION TO CONSOLIDATE PUBLIC  
12 EMPLOYERS OR PUBLIC SERVICES THROUGH A MERGER OR INTERLOCAL  
13 AGREEMENT AS PERMITTED BY LAW AND A PUBLIC EMPLOYER'S DECISION TO  
14 RENEGOTIATE AN EXISTING, APPLICABLE BARGAINING AGREEMENT UPON A  
15 CONSOLIDATION ARE SOLELY AT THE DISCRETION OF THE PUBLIC EMPLOYER  
16 AND ARE PROHIBITED SUBJECTS OF BARGAINING UNDER THIS ACT.

17 (12) EACH COLLECTIVE BARGAINING AGREEMENT ENTERED INTO BETWEEN  
18 A PUBLIC EMPLOYER AND PUBLIC EMPLOYEES UNDER THIS ACT AFTER THE  
19 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION  
20 SHALL INCLUDE A PROVISION PERMITTING THE PUBLIC EMPLOYER TO  
21 RENEGOTIATE AN EXISTING BARGAINING AGREEMENT AS TO AFFECTED PUBLIC  
22 EMPLOYEES UPON CONSOLIDATION OF PUBLIC EMPLOYERS OR PUBLIC SERVICES  
23 THROUGH MERGER OR INTERLOCAL AGREEMENT AS PERMITTED BY LAW.