

SUBSTITUTE FOR
SENATE BILL NO. 158

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 the title and section 15 (MCL 423.215), section 15 as amended by 2009 PA 201.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1
2
3
4
5

TITLE

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

1 public employees; **TO REQUIRE CERTAIN PROVISIONS IN COLLECTIVE**
2 **BARGAINING AGREEMENTS;** and to prescribe means of enforcement and
3 penalties for the violation of the provisions of this act.

4 Sec. 15. (1) A public employer shall bargain collectively with
5 the representatives of its employees as described in section 11 and
6 may make and enter into collective bargaining agreements with those
7 representatives. Except as otherwise provided in this section, for
8 the purposes of this section, to bargain collectively is the
9 performance of the mutual obligation of the employer and the
10 representative of the employees to meet at reasonable times and
11 confer in good faith with respect to wages, hours, and other terms
12 and conditions of employment, or the negotiation of an agreement,
13 or any question arising under the agreement, and the execution of a
14 written contract, ordinance, or resolution incorporating any
15 agreement reached if requested by either party, but this obligation
16 does not compel either party to agree to a proposal or require the
17 making of a concession.

18 (2) A public school employer has the responsibility,
19 authority, and right to manage and direct on behalf of the public
20 the operations and activities of the public schools under its
21 control.

22 (3) Collective bargaining between a public school employer and
23 a bargaining representative of its employees shall not include any
24 of the following subjects:

25 (a) Who is or will be the policyholder of an employee group
26 insurance benefit. This subdivision does not affect the duty to
27 bargain with respect to types and levels of benefits and coverages

1 for employee group insurance. A change or proposed change in a type
2 or to a level of benefit, policy specification, or coverage for
3 employee group insurance shall be bargained by the public school
4 employer and the bargaining representative before the change may
5 take effect.

6 (b) Establishment of the starting day for the school year and
7 of the amount of pupil contact time required to receive full state
8 school aid under section 1284 of the revised school code, 1976 PA
9 451, MCL 380.1284, and under section 101 of the state school aid
10 act of 1979, 1979 PA 94, MCL 388.1701.

11 (c) The composition of school improvement committees
12 established under section 1277 of the revised school code, 1976 PA
13 451, MCL 380.1277.

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

18 (e) The decision of whether or not to act as an authorizing
19 body to grant a contract to organize and operate 1 or more public
20 school academies under the revised school code, 1976 PA 451, MCL
21 380.1 to 380.1852.

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 for noninstructional support
25 services other than bidding described in this subdivision; or the
26 identity of the third party; or the impact of the contract for
27 noninstructional support services on individual employees or the

1 bargaining unit. However, this subdivision applies only if the
2 bargaining unit that is providing the noninstructional support
3 services is given an opportunity to bid on the contract for the
4 noninstructional support services on an equal basis as other
5 bidders.

6 (g) The use of volunteers in providing services at its
7 schools.

8 (h) Decisions concerning use of experimental or pilot programs
9 and staffing of experimental or pilot programs and decisions
10 concerning use of technology to deliver educational programs and
11 services and staffing to provide the technology, or the impact of
12 these decisions on individual employees or the bargaining unit.

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

16 (4) Except as otherwise provided in subsection (3)(f), the
17 matters described in subsection (3) are prohibited subjects of
18 bargaining between a public school employer and a bargaining
19 representative of its employees, and, for the purposes of this act,
20 are within the sole authority of the public school employer to
21 decide.

22 (5) If a public school is placed in the state school
23 reform/redesign school district or is placed under a chief
24 executive officer under section 1280c of the revised school code,
25 1976 PA 451, MCL 380.1280c, then, for the purposes of collective
26 bargaining under this act, the state school reform/redesign officer
27 or the chief executive officer, as applicable, is the public school

1 employer of the public school employees of that public school for
2 as long as the public school is part of the state school
3 reform/redesign school district or operated by the chief executive
4 officer.

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

9 (a) Any effect on collective bargaining and any modification
10 of a collective bargaining agreement occurring under section 1280c
11 of the revised school code, 1976 PA 451, MCL 380.1280c.

12 (b) For a public school in which the superintendent of public
13 instruction implements 1 of the 4 school intervention models
14 described in section 1280c of the revised school code, 1976 PA 451,
15 MCL 380.1280c, if the school intervention model that is implemented
16 affects collective bargaining or requires modification of a
17 collective bargaining agreement, any effect on collective
18 bargaining and any modification of a collective bargaining
19 agreement under that school intervention model.

20 (7) EACH COLLECTIVE BARGAINING AGREEMENT ENTERED INTO BETWEEN
21 A PUBLIC EMPLOYER AND PUBLIC EMPLOYEES UNDER THIS ACT AFTER THE
22 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION
23 SHALL INCLUDE A PROVISION THAT ALLOWS AN EMERGENCY MANAGER
24 APPOINTED UNDER THE LOCAL GOVERNMENT AND SCHOOL DISTRICT FISCAL
25 ACCOUNTABILITY ACT TO REJECT, MODIFY, OR TERMINATE THE COLLECTIVE
26 BARGAINING AGREEMENT AS PROVIDED IN THE LOCAL GOVERNMENT AND SCHOOL
27 DISTRICT FISCAL ACCOUNTABILITY ACT. PROVISIONS REQUIRED BY THIS

1 SUBSECTION ARE PROHIBITED SUBJECTS OF BARGAINING UNDER THIS ACT.

2 (8) COLLECTIVE BARGAINING AGREEMENTS UNDER THIS ACT MAY BE
3 REJECTED, MODIFIED, OR TERMINATED PURSUANT TO THE LOCAL GOVERNMENT
4 AND SCHOOL DISTRICT FISCAL ACCOUNTABILITY ACT. THIS ACT DOES NOT
5 CONFER A RIGHT TO BARGAIN THAT WOULD INFRINGE ON THE EXERCISE OF
6 POWERS UNDER THE LOCAL GOVERNMENT AND SCHOOL DISTRICT FISCAL
7 ACCOUNTABILITY ACT.

8 (9) A UNIT OF LOCAL GOVERNMENT THAT ENTERS INTO A CONSENT
9 AGREEMENT UNDER THE LOCAL GOVERNMENT AND SCHOOL DISTRICT FISCAL
10 ACCOUNTABILITY ACT IS NOT SUBJECT TO SUBSECTION (1) FOR THE TERM OF
11 THE CONSENT AGREEMENT, AS PROVIDED IN THE LOCAL GOVERNMENT AND
12 SCHOOL DISTRICT FISCAL ACCOUNTABILITY ACT.

13 Enacting section 1. This amendatory act does not take effect
14 unless House Bill No. 4214 of the 96th Legislature is enacted into
15 law.