

SUBSTITUTE FOR
SENATE BILL NO. 1167

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; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,"

by amending sections 11 and 15 (MCL 423.211 and 423.215), section 15 as amended by 2023 PA 143.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. **(1)** Representatives designated or selected for
2 purposes of collective bargaining by the majority of the public
3 employees in a unit appropriate for ~~such~~**those** purposes, ~~shall be~~
4 **are** the exclusive representatives of all the public employees in

1 ~~such~~**the** unit for the purposes of collective bargaining ~~in~~**with**
2 respect to rates of pay, wages, hours of employment, or other
3 conditions of employment, and shall be so recognized by the public
4 employer, ~~÷ Provided, That~~**except that** any individual employee at
5 any time may present grievances to his employer and have the
6 grievances adjusted, without intervention of the bargaining
7 representative, if the adjustment is not inconsistent with the
8 terms of a collective bargaining contract or agreement then in
9 effect, ~~provided that~~**and** the bargaining representative has been
10 given opportunity to be present at such adjustment.

11 **(2) For public employees subject to 1969 PA 312, MCL 423.231**
12 **to 423.247, as used in subsection (1), "other conditions of**
13 **employment" includes, but is not limited to, minimum staffing**
14 **levels within the bargaining unit. However, if, as compared to the**
15 **immediately preceding fiscal year, there is a reduction in the**
16 **amount of monies the public employer receives pursuant to section**
17 **10 of article IX of the state constitution of 1963 or in property**
18 **tax collections due to a reduction in the total taxable value of**
19 **the public employer, the public employer may, but is not required**
20 **to, collectively bargain with public employees subject to 1969 PA**
21 **312, MCL 423.231 to 423.247, with respect to minimum staffing**
22 **levels within the bargaining unit. For employees not subject to**
23 **1969 PA 312, MCL 423.231 to 423.247, this subsection does not**
24 **prohibit the employees from collective bargaining with respect to**
25 **minimum staffing levels within the bargaining unit.**

26 Sec. 15. (1) A public employer shall bargain collectively with
27 the representatives of its employees as described in section 11 and
28 may make and enter into collective bargaining agreements with those
29 representatives. Except as otherwise provided in this section, for

1 the purposes of this section, to bargain collectively is to perform
2 the mutual obligation of the employer and the representative of the
3 employees to meet at reasonable times and confer in good faith with
4 respect to wages, hours, and other terms and conditions of
5 employment, or to negotiate an agreement, or any question arising
6 under the agreement, and to execute a written contract, ordinance,
7 or resolution incorporating any agreement reached if requested by
8 either party, but this obligation does not compel either party to
9 agree to a proposal or make a concession.

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

14 (3) Collective bargaining between a public school employer and
15 a bargaining representative of its employees must not include any
16 of the following subjects:

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

25 (b) Establishment of the starting day for the school year and
26 of the amount of pupil contact time required to receive full state
27 school aid under section 1284 of the revised school code, 1976 PA
28 451, MCL 380.1284, and under section 101 of the state school aid
29 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 the selection of grade levels or schools in
7 which to allow 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 use of volunteers in providing services at its
13 schools.

14 (g) Decisions concerning use and staffing of experimental or
15 pilot programs and decisions concerning use of technology to
16 deliver educational programs and services and staffing to provide
17 that technology, or the impact of those decisions on individual
18 employees or the bargaining unit.

19 (h) Any compensation or additional work assignment intended to
20 reimburse an employee for or allow an employee to recover any
21 monetary penalty imposed under this act.

22 (4) The matters described in subsection (3) are prohibited
23 subjects of bargaining between a public school employer and a
24 bargaining representative of its employees, and, for the purposes
25 of this act, are within the sole authority of the public school
26 employer to decide.

27 (5) Each collective bargaining agreement entered into between
28 a public employer and public employees under this act on or after
29 March 28, 2013 must include a provision that allows an emergency

1 manager appointed under the local financial stability and choice
2 act, 2012 PA 436, MCL 141.1541 to 141.1575, to reject, modify, or
3 terminate the collective bargaining agreement as provided in the
4 local financial stability and choice act, 2012 PA 436, MCL 141.1541
5 to 141.1575. Provisions required by this subsection are prohibited
6 subjects of bargaining under this act.

7 (6) Collective bargaining agreements under this act may be
8 rejected, modified, or terminated pursuant to the local financial
9 stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575.
10 This act does not confer a right to bargain that would infringe on
11 the exercise of powers under the local financial stability and
12 choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

13 (7) A unit of local government that enters into a consent
14 agreement under the local financial stability and choice act, 2012
15 PA 436, MCL 141.1541 to 141.1575, is not subject to subsection (1)
16 for the term of the consent agreement, as provided in the local
17 financial stability and choice act, 2012 PA 436, MCL 141.1541 to
18 141.1575.

19 (8) If the charter of a city, village, or township with a
20 population of 500,000 or more requires and specifies the method of
21 selection of a retirant member of the municipality's fire
22 department, police department, or fire and police department
23 pension or retirement board, the inclusion of the retirant member
24 on the board and the method of selection of that retirant member
25 are prohibited subjects of collective bargaining, and any provision
26 in a collective bargaining agreement that purports to modify that
27 charter requirement is void and of no effect.

28 (9) An agreement with a collective bargaining unit must not
29 require a public employer to pay the costs of an independent

1 examiner verification described in section 10(4).

2 (10) For public employees subject to 1969 PA 312, MCL 423.231
3 to 423.247, as used in subsection (1), "other terms and conditions
4 of employment" includes, but is not limited to, minimum staffing
5 levels within the bargaining unit. However, if, as compared to the
6 immediately preceding fiscal year, there is a reduction in the
7 amount of monies the public employer receives pursuant to section
8 10 of article IX of the state constitution of 1963 or in property
9 tax collections due to a reduction in the total taxable value of
10 the public employer, the public employer may, but is not required
11 to, collectively bargain with public employees subject to 1969 PA
12 312, MCL 423.231 to 423.247, with respect to minimum staffing
13 levels within the bargaining unit. For employees not subject to
14 1969 PA 312, MCL 423.231 to 423.247, this subsection does not
15 prohibit the employees from collective bargaining with respect to
16 minimum staffing levels within the bargaining unit.