

HOUSE BILL NO. 5290

November 13, 2025, Introduced by Reps. Prestin, Bohnak, Markkanen, Beson, Schmaltz, DeBoyer, Kelly, Morgan, Breen, Andrews, Wooden, Pohutsky, MacDonell, Rheingans, Outman and O'Neal and referred to Committee on Government Operations.

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

16 **(2)** Subject to subsection (3), for public employees who engage
 17 in firefighting or are subject to the hazards of firefighting and
 18 are subject to 1969 PA 312, MCL 423.231 to 423.247, as used in
 19 subsection (1), "other conditions of employment" includes, but is
 20 not limited to, minimum staffing levels within the bargaining unit.

21 **(3)** A public employer may, but is not required to,
 22 collectively bargain with public employees as described in
 23 subsection (2) if any of the following apply:

24 **(a)** As compared to the immediately preceding fiscal year,
 25 there is a reduction in the amount of money the public employer
 26 receives under section 10 of article IX of the state constitution
 27 of 1963 or a reduction in property tax collections due to a
 28 reduction in the total taxable value of the public employer.

29 **(b)** The public employer would need to seek a millage increase

1 to cover the public employer's costs to implement the minimum
2 staffing levels within the bargaining unit.

3 (4) For employees not subject to 1969 PA 312, MCL 423.231 to
4 423.247, subsection (2) does not prohibit the employees from
5 collectively bargaining with respect to minimum staffing levels
6 within the bargaining unit.

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

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

24 (3) Collective bargaining between a public school employer and
25 a bargaining representative of its employees must not include any
26 of the following subjects:

27 (a) Who is or will be the policyholder of an employee group
28 insurance benefit. This subdivision does not affect the duty to
29 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 must be bargained by the public school
4 employer and the bargaining representative before the change takes
5 effect.

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

12 (c) The composition of school improvement committees
13 established under section 1277 of the revised school code, 1976 PA
14 451, MCL 380.1277.

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

19 (e) The decision of whether or not to act as an authorizing
20 body to grant a contract to organize and operate 1 or more public
21 school academies under the revised school code, 1976 PA 451, MCL
22 380.1 to 380.1852.

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

25 (g) Decisions concerning use and staffing of experimental or
26 pilot programs and decisions concerning use of technology to
27 deliver educational programs and services and staffing to provide
28 that technology, or the impact of those decisions on individual
29 employees or the bargaining unit.

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

4 (4) The ~~matters~~**subjects** described in subsection (3) are
5 prohibited subjects of bargaining between a public school employer
6 and a bargaining representative of its employees, and, for the
7 purposes of this act, are within the sole authority of the public
8 school employer to decide.

9 (5) Each collective bargaining agreement entered into between
10 a public employer and public employees under this act on or after
11 March 28, 2013 must include a provision that allows an emergency
12 manager appointed under the local financial stability and choice
13 act, 2012 PA 436, MCL 141.1541 to 141.1575, to reject, modify, or
14 terminate the collective bargaining agreement as provided in the
15 local financial stability and choice act, 2012 PA 436, MCL 141.1541
16 to 141.1575. Provisions required by this subsection are prohibited
17 subjects of bargaining under this act.

18 (6) Collective bargaining agreements under this act may be
19 rejected, modified, or terminated pursuant to the local financial
20 stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575.
21 This act does not confer a right to bargain that would infringe on
22 the exercise of powers under the local financial stability and
23 choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

24 (7) A unit of local government that enters into a consent
25 agreement under the local financial stability and choice act, 2012
26 PA 436, MCL 141.1541 to 141.1575, is not subject to subsection (1)
27 for the term of the consent agreement, as provided in the local
28 financial stability and choice act, 2012 PA 436, MCL 141.1541 to
29 141.1575.

1 (8) If the charter of a city, village, or township with a
2 population of 500,000 or more requires and specifies the method of
3 selection of a retirant member of the municipality's fire
4 department, police department, or fire and police department
5 pension or retirement board, the inclusion of the retirant member
6 on the board and the method of selection of that retirant member
7 are prohibited subjects of collective bargaining, and any provision
8 in a collective bargaining agreement that purports to modify that
9 charter requirement is void and of no effect.

10 (9) An agreement with a collective bargaining unit must not
11 require a public employer to pay the costs of an independent
12 examiner verification described in section 10(4).

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