

HOUSE BILL No. 6128

September 17, 1998, Introduced by Reps. Raczkowski, Birkholz, Jelinek, Hammerstrom, Goschka, Bodem, Sanborn, Jansen and Cassis and referred to the Committee on Labor and Occupational Safety.

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
2 with the representatives of its employees as defined in section
3 11 and is authorized to make and enter into collective bargaining
4 agreements with such representatives. Except as otherwise pro-
5 vided in this section, for the purposes of this section, to bar-
6 gain collectively is the performance of the mutual obligation of
7 the employer and the representative of the employees to meet at
8 reasonable times and confer in good faith with respect to wages,

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

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

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

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

22 (b) Establishment of the starting day for the school year
23 and of the amount of pupil contact time required to receive full
24 state school aid under section 1284 of the REVISED school code,
25 ~~of 1976, Act No. 451 of the Public Acts of 1976, being section~~
26 ~~380.1284 of the Michigan Compiled Laws, 1976 PA 451, MCL~~
27 380.1284 and under section 101 of the state school aid act of

1 1979, ~~Act No. 94 of the Public Acts of 1979, being section~~
2 ~~388.1701 of the Michigan Compiled Laws 1979 PA 94, MCL~~
3 ~~388.1701.~~

4 (c) Composition of ~~site-based decision-making bodies estab-~~
5 ~~lished 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 of school improvement committees established under~~
8 ~~section 1277 of Act No. 451 of the Public Acts of 1976, being~~
9 ~~section 380.1277 of the Michigan Compiled Laws~~ THE REVISED
10 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~~
18 ~~of 1976, being sections 380.501 to 380.507 of the Michigan~~
19 ~~Compiled Laws~~ THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.501
20 TO 380.507, or the granting of a leave of absence to an employee
21 of a school 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
25 third party; or the impact of the contract on individual employ-
26 ees or the bargaining unit.

1 (g) The use of volunteers in providing services at its
2 schools.

3 (h) Decisions concerning use of experimental or pilot pro-
4 grams and staffing of experimental or pilot programs and deci-
5 sions concerning use of technology to deliver educational pro-
6 grams and services and staffing to provide the technology, or the
7 impact of these decisions on individual employees or the bargain-
8 ing unit.

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

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

17 (5) IF A PUBLIC EMPLOYER AND A REPRESENTATIVE OF PUBLIC
18 EMPLOYEES WITHIN A BARGAINING UNIT THAT WHOLLY OR IN PART CON-
19 SISTS OF POLICE PERSONNEL INITIATE OR CONTINUE COLLECTIVE BAR-
20 GAINING AFTER THE EXPIRATION OF A COLLECTIVE BARGAINING AGREE-
21 MENT, THE WAGES, HOURS, AND OTHER TERMS AND CONDITIONS PRESCRIBED
22 BY THE EXPIRED COLLECTIVE BARGAINING AGREEMENT SHALL REMAIN IN
23 EFFECT UNTIL THE EARLIER OF EITHER OF THE FOLLOWING:

24 (A) THE PUBLIC EMPLOYER AND THE REPRESENTATIVE OF PUBLIC
25 EMPLOYEES EXECUTE A NEW COLLECTIVE BARGAINING AGREEMENT.

1 (B) A COMPULSORY ARBITRATION AWARD RELATING TO THE PUBLIC
2 EMPLOYER AND THE PUBLIC EMPLOYEES IS ISSUED IN ACCORDANCE WITH
3 1969 PA 312, MCL 423.231 TO 423.247.

4 (6) AS USED IN THIS SECTION:

5 (A) "POLICE PERSONNEL" MEANS INDIVIDUALS EMPLOYED BY A
6 PUBLIC EMPLOYER AND ENGAGED AS, OR SUBJECT TO THE HAZARDS OF,
7 POLICE OFFICERS.

8 (B) "TERMS AND CONDITIONS OF AN EXPIRED COLLECTIVE BARGAIN-
9 ING AGREEMENT" INCLUDES AUTHORIZATION FOR THE ARBITRATION OF
10 GRIEVANCES AND THE COLLECTION OR DEDUCTION OF DUES OR SERVICE
11 FEES.