

ALLOW INCLUSION OF CERTAIN TOPICS DURING COLLECTIVE BARGAINING UNDER PERA

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House Bills 4354 and 4355 as introduced

Sponsor: Rep. Regina Weiss

Committee: Labor

Complete to 5-10-23

Analysis available at
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SUMMARY:

House Bill 4354 would amend 1947 PA 336, the public employment relations act (PERA), to permit the inclusion of certain topics during collective bargaining for public school employees. House Bill 4355 is a companion bill that would make complementary updates to PERA references in the State School Aid Act.

Among other excluded topics, PERA currently provides that decisions about the development, content, standards, procedures, adoption, and implementation of certain subjects *cannot* be included in collective bargaining negotiations between a public school employer and a representative of its employees. The impact of those decisions on an individual employee or the bargaining unit are also prohibited topics. These restricted subjects are:

- A public school employer's teacher placement policy.
- A public school employer's policies regarding personnel decisions when conducting a reduction, eliminating a position, recalling or hiring employees, or making any related decisions.
- The performance evaluation system, including decisions concerning the content of a performance evaluation of an employee.
- The policy regarding the discharge or discipline of a teacher.
- The format, timing, or number of classroom observations.
- The policy regarding the method of compensation, including decisions about how an employee performance evaluation is used to determine performance-based compensation.
- The notification to parents and legal guardians required under section 1249a of the Revised School Code.¹

The following subjects are also prohibited from collective bargaining negotiations:

- A public employer's decision whether to enter into an intergovernmental agreement to consolidate services.
- The procedures for obtaining a contract for the transfer of functions or responsibilities under such an agreement.
- The identities of any other parties subject to the agreement.

Under **House Bill 4354**, the subjects from both lists would be permitted topics.

MCL 423.215

¹ This section provides that if a school is unable to comply with the requirement that it cannot assign a student to be taught in the same subject area for two consecutive years by a teacher who has been rated as ineffective for two consecutive years, the student's parent or legal guardian must be notified.

House Bill 4355 would remove a reference to a provision of PERA in the State School Aid Act that would be eliminated by House Bill 4354. The bill is tie-barred to House Bill 4354, meaning that it would not go into effect unless HB 4354 were also enacted.

MCL 388.1764h

FISCAL IMPACT:

The bills would have an indeterminate, but likely minimal, fiscal impact on local school districts, intermediate school districts (ISDs), and public school academies (PSAs). Any fiscal impact for an individual district, ISD, or PSA would be directly related to the assumed costs or benefits of any new collective bargaining agreement under the provisions of the bills compared to the prior or alternative status of any collective bargaining agreement that prohibited certain subjects from being collectively bargained.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.