

HOUSE BILL No. 4022

January 31, 1991, Introduced by Rep. Keith and referred to the Committee on Labor.

A bill to amend section 1284 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

being section 380.1284 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1284 of Act No. 451 of the Public Acts
2 of 1976, being section 380.1284 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 1284. (1) The board of a school district shall deter-
5 mine the length of the school term. ~~The~~ EXCEPT AS PROVIDED IN
6 SUBSECTION (4), THE minimum number of days of student instruction
7 shall be 180. ~~A~~ THE MINIMUM NUMBER OF TEACHER PROFESSIONAL
8 DEVELOPMENT DAYS OR NONINSTRUCTIONAL WORK DAYS SHALL BE 2.
9 EXCEPT AS PROVIDED IN SUBSECTION (4) AND IN SECTION 101 OF THE
10 STATE SCHOOL AID ACT OF 1979, ACT NO. 94 OF THE PUBLIC ACTS OF

1 1979, BEING SECTION 388.1701 OF THE MICHIGAN COMPILED LAWS, A
2 district failing to hold 180 days of student instruction shall
3 forfeit 1/180 of its total state school aid for each day of
4 failure. Not later than August 1, the board of each district
5 shall certify to the state board the number of days of student
6 instruction in the previous school year. If the district did not
7 hold at least 180 days of student instruction, the deduction of
8 state school aid shall be made in the following fiscal year from
9 the first payment of state school aid. Days lost because of
10 strikes or teachers' conferences shall not be counted as days of
11 student instruction.

12 (2) The state board shall promulgate rules for the implemen-
13 tation of ~~this section~~ SUBSECTION (1).

14 (3) IF A PUBLIC SCHOOL EMPLOYEES' STRIKE PREVENTS AN
15 EMPLOYER FROM FULFILLING THE MINIMUM 180 DAYS OF STUDENT INSTRUC-
16 TION AS REQUIRED BY THIS SECTION AND SECTION 101 OF THE STATE
17 SCHOOL AID ACT OF 1979, ACT NO. 94 OF THE PUBLIC ACTS OF 1979,
18 THE EMPLOYER SHALL NOT PAY, AND THE EMPLOYEE ENGAGED IN THE
19 STRIKE SHALL FORFEIT, 1/180 OR A DAY'S PROPORTION, WHICHEVER IS
20 LESS, OF HIS OR HER ANNUAL SALARY, AS DETERMINED IN THE MASTER
21 AGREEMENT SUBSEQUENTLY RATIFIED, FOR EACH DAY THE REQUIREMENT IS
22 NOT FULFILLED. IF THE EMPLOYEE DISPUTES THE FORFEITURE, HE OR
23 SHE MAY APPLY TO THE EMPLOYMENT RELATIONS COMMISSION CREATED PUR-
24 SUANT TO SECTION 3 OF ACT NO. 176 OF THE PUBLIC ACTS OF 1939,
25 BEING SECTION 423.3 OF THE MICHIGAN COMPILED LAWS, FOR A DETERMI-
26 NATION OF THE EXACT AMOUNT OF THE FORFEITURE UNDER RULES THE
27 COMMISSION PROMULGATES. UPON PROPER SHOWING BY THE EMPLOYEE, THE

1 COMMISSION MAY ISSUE AN ORDER CORRECTING THE EMPLOYER'S
2 DETERMINATION. THE SCHOOL YEAR, FOR PURPOSES OF COMPUTING THE
3 180 DAYS OF STUDENT INSTRUCTION, SHALL CONCLUDE ON OR BEFORE THE
4 THIRD FRIDAY IN JUNE. THE DAYS OF STUDENT INSTRUCTION SHALL NOT
5 INCLUDE SATURDAYS, SUNDAYS, LABOR DAY, THANKSGIVING DAY,
6 CHRISTMAS DAY, NEW YEAR'S DAY, MEMORIAL DAY, DAYS LOST BECAUSE OF
7 EMPLOYEES' STRIKES, TEACHER PROFESSIONAL DEVELOPMENT DAYS, OR
8 NONINSTRUCTIONAL WORK DAYS. THE CALENDAR SHALL INCLUDE AT LEAST
9 10 VACATION DAYS, SCHEDULED AFTER THE FIRST 2 WEEKS OF THE SCHOOL
10 YEAR AND BEFORE THE LAST 2 WEEKS OF THE SCHOOL YEAR. SATURDAYS,
11 SUNDAYS, HOLIDAYS, TEACHER PROFESSIONAL DEVELOPMENT DAYS, OR NON-
12 INSTRUCTIONAL WORK DAYS SHALL NOT BE USED TO COMPUTE VACATION
13 DAYS.

14 (4) IF A DISTRICT IS UNABLE TO PROVIDE 180 DAYS OF STUDENT
15 INSTRUCTION BEFORE THE THIRD FRIDAY OF JUNE BECAUSE OF A LEGAL
16 SCHOOL EMPLOYEES' STRIKE, AS PERMITTED BY SECTION 20 OF ACT
17 NO. 336 OF THE PUBLIC ACTS OF 1947, BEING SECTION 423.220 OF THE
18 MICHIGAN COMPILED LAWS, THE DEPARTMENT SHALL ESTIMATE AND MAKE,
19 IN THE SAME STATE FISCAL YEAR THE STRIKE OCCURS, A DEDUCTION FROM
20 THE DISTRICT'S TOTAL STATE AID APPROPRIATION EQUAL TO THE FORFEI-
21 TURE OF WAGES OR SALARY REQUIRED FOR THE STRIKING EMPLOYEES UNDER
22 SECTION 21 OF ACT NO. 336 OF THE PUBLIC ACTS OF 1947, BEING
23 SECTION 423.221 OF THE MICHIGAN COMPILED LAWS. IF THE REQUIRED
24 DEDUCTION EXCEEDS THE DISTRICT'S TOTAL STATE AID APPROPRIATION OR
25 IF THE DISTRICT DOES NOT RECEIVE STATE AID, THE DISTRICT SHALL
26 REMIT TO THE STATE, IN A MANNER PRESCRIBED BY THE DEPARTMENT, THE
27 AMOUNT OF THE EXCESS, OR IN THE CASE OF A DISTRICT THAT DOES NOT

1 RECEIVE STATE AID, THE TOTAL AMOUNT OF REVENUE LOST FROM THE
2 GENERAL FUND OF THE DISTRICT TO PAY THE DEDUCTION, FOR DEPOSIT IN
3 THE GENERAL FUND OF THE STATE. IF A DISPUTE CONCERNING THE FOR-
4 FEITURE OF WAGES OR SALARY UNDER SECTION 21 OF ACT NO. 336 OF THE
5 PUBLIC ACTS OF 1947 IS PENDING, THE AMOUNT OF THE SALARY OR WAGE
6 FORFEITURE IN DISPUTE SHALL NOT BE DEDUCTED FROM THE DISTRICT'S
7 STATE AID OR REMITTED FROM THE DISTRICT'S GENERAL FUND. FOR THE
8 PURPOSES OF THIS SUBSECTION, THE 180 DAYS OF STUDENT INSTRUCTION
9 SHALL BE IN COMPLIANCE WITH SUBSECTION (1).

10 Section 2. This amendatory act shall not take effect unless
11 all of the following bills of the 86th Legislature are enacted
12 into law:

13 (a) Senate Bill No. _____ or House Bill No. 4016 (request
14 no. 00853'91).

15 (b) Senate Bill No. _____ or House Bill No. 4023 (request
16 no. 00851'91).