

SUBSTITUTE FOR  
HOUSE BILL NO. 4788

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 with  
2 the representatives of its employees as ~~defined~~**DESCRIBED** in  
3 section 11 and ~~is authorized to~~**MAY** make and enter into collective  
4 bargaining agreements with ~~such~~**THOSE** representatives. Except as  
5 otherwise provided in this section, for the purposes of this  
6 section, to bargain collectively is the performance of the mutual  
7 obligation of the employer and the representative of the employees  
8 to meet at reasonable times and confer in good faith with respect

1 to wages, hours, and other terms and conditions of employment, or  
2 the 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,  
8 authority, and right to manage and direct on behalf of the public  
9 the operations and activities of the public schools under its  
10 control.

11 (3) Collective bargaining between a public school employer and  
12 a bargaining representative of its employees shall not include any  
13 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 coverages  
17 for employee group insurance. A change or proposed change in a type  
18 or to a level of benefit, policy specification, or coverage for  
19 employee group insurance shall be bargained by the public school  
20 employer and the bargaining representative before the change may  
21 take effect.

22 ~~—— (b) Establishment of the starting day for the school year and~~  
23 ~~of the amount of pupil contact time required to receive full state~~  
24 ~~school aid under section 1284 of the school code of 1976, Act No.~~  
25 ~~451 of the Public Acts of 1976, being section 380.1284 of the~~  
26 ~~Michigan Compiled Laws, and under section 101 of the state school~~  
27 ~~aid act of 1979, Act No. 94 of the Public Acts of 1979, being~~

1 ~~section 388.1701 of the Michigan Compiled Laws 1979 PA 94, MCL~~  
2 ~~388.1701.~~

3 (B) ~~(c) Composition of site-based decision-making bodies~~  
4 ~~established pursuant to section 1202a of Act No. 451 of the Public~~  
5 ~~Acts of 1976, being section 380.1202a of the Michigan Compiled~~  
6 ~~Laws, or THE COMPOSITION of school improvement committees~~  
7 ~~established under section 1277 of Act No. 451 of the Public Acts of~~  
8 ~~1976, being section 380.1277 of the Michigan Compiled Laws THE~~  
9 ~~REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1277.~~

10 (C) ~~(d) The decision of whether or not to provide or allow~~  
11 ~~interdistrict or intradistrict open enrollment opportunity in a~~  
12 ~~school district or of which grade levels or schools in which to~~  
13 ~~allow such an open enrollment opportunity.~~

14 (D) ~~(e) The decision of whether or not to act as an~~  
15 ~~authorizing body to grant a contract to organize and operate 1 or~~  
16 ~~more public school academies under part 6a of Act No. 451 of the~~  
17 ~~Public Acts of 1976, being sections 380.501 to 380.507 of the~~  
18 ~~Michigan Compiled Laws, or the granting of a leave of absence to an~~  
19 ~~employee of a school district to participate in a public school~~  
20 ~~academy THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO~~  
21 ~~380.1852.~~

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 third~~  
25 ~~party; or the impact of the contract on individual employees or the~~  
26 ~~bargaining unit.~~

27 (E) ~~(g) The use of volunteers in providing services at its~~

1 schools.

2 (F) ~~(h)~~—Decisions concerning use of experimental or pilot  
3 programs and staffing of experimental or pilot programs and  
4 decisions concerning use of technology to deliver educational  
5 programs and services and staffing to provide the technology, or  
6 the impact of these decisions on individual employees or the  
7 bargaining unit.

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

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

16 (5) IF A PUBLIC SCHOOL IS DESIGNATED AS A FAILING PUBLIC  
17 SCHOOL BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION UNDER SECTION  
18 1280C OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1280C, THEN  
19 THE FOLLOWING APPLY, AS APPLICABLE:

20 (A) IF THE PUBLIC SCHOOL IS OPERATED UNDER A MEMORANDUM OF  
21 UNDERSTANDING UNDER SECTION 1280C(6) OF THE REVISED SCHOOL CODE,  
22 1976 PA 451, MCL 380.1280C, THEN, FOR THE PURPOSES OF COLLECTIVE  
23 BARGAINING UNDER THIS ACT, THE STATE SCHOOL REFORM/REDESIGN OFFICER  
24 IS A JOINT EMPLOYER OF THE PUBLIC SCHOOL EMPLOYEES AT THE PUBLIC  
25 SCHOOL ALONG WITH THE PUBLIC SCHOOL EMPLOYER THAT OPERATES THE  
26 PUBLIC SCHOOL FOR AS LONG AS THE PUBLIC SCHOOL IS OPERATED UNDER  
27 THE MEMORANDUM OF UNDERSTANDING.

1           (B) IF THE PUBLIC SCHOOL IS PLACED IN THE STATE SCHOOL  
2 REFORM/REDESIGN SCHOOL DISTRICT AS DESCRIBED IN SECTION 1280C(7) OF  
3 THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1280C, AND THE STATE  
4 SCHOOL REFORM/REDESIGN OFFICER ASSUMES AUTONOMOUS CONTROL AND  
5 OVERSIGHT OF THE PUBLIC SCHOOL THROUGH A PERFORMANCE CONTRACT WITH  
6 A QUALIFIED PERSON OR ENTITY TO MANAGE THE SCHOOL, AS DESCRIBED IN  
7 SECTION 1280C(7) (A) OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL  
8 380.1280C, THEN, FOR THE PURPOSES OF COLLECTIVE BARGAINING UNDER  
9 THIS ACT, THE STATE SCHOOL REFORM/REDESIGN SCHOOL DISTRICT IS A  
10 JOINT EMPLOYER OF THE PUBLIC SCHOOL EMPLOYEES AT THE PUBLIC SCHOOL  
11 ALONG WITH THE PUBLIC SCHOOL EMPLOYER THAT PREVIOUSLY OPERATED THE  
12 PUBLIC SCHOOL FOR AS LONG AS THE PUBLIC SCHOOL IS OPERATED AS  
13 DESCRIBED IN SECTION 1280C(7) (A) OF THE REVISED SCHOOL CODE, 1976  
14 PA 451, MCL 380.1280C.

15           (6) A PUBLIC SCHOOL EMPLOYER'S COLLECTIVE BARGAINING DUTY  
16 UNDER THIS ACT AND A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO  
17 UNDER THIS ACT ARE SUBJECT TO SECTION 1280C OF THE REVISED SCHOOL  
18 CODE, 1976 PA 451, MCL 380.1280C.

19           Enacting section 1. This amendatory act does not take effect  
20 unless House Bill No. 4787 of the 95th Legislature is enacted into  
21 law.