

HOUSE BILL No. 4739

March 31, 2009, Introduced by Reps. Melton, Rick Jones and Dean and referred to the Committee on Labor.

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~~**INDICATED** in
3 section 11 and is authorized to 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~~**TO PERFORM**
7 the mutual obligation of the employer and the representative of the

1 employees to meet at reasonable times and confer in good faith with
2 respect to wages, hours, and other terms and conditions of
3 employment, or the negotiation of an agreement, or any question
4 arising under the agreement, and the execution of a written
5 contract, ordinance, or resolution incorporating any agreement
6 reached if requested by either party, but this obligation does not
7 compel either party to agree to a proposal or require the making of
8 a concession.

9 (2) A public school employer has the responsibility,
10 authority, and right to manage and direct on behalf of the public
11 the operations and activities of the public schools under its
12 control.

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

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

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

1 ~~the Michigan Compiled Laws 1976 PA 451, MCL 380.1284, and under~~
2 ~~section 101 of the state school aid act of 1979, Act No. 94 of the~~
3 ~~Public Acts of 1979, being section 388.1701 of the Michigan~~
4 ~~Compiled Laws 1979 PA 94, MCL 388.1701.~~

5 (c) Composition of ~~site-based decision-making bodies~~
6 ~~established pursuant to section 1202a of Act No. 451 of the Public~~
7 ~~Acts of 1976, being section 380.1202a of the Michigan Compiled~~
8 ~~Laws, or of school improvement committees established under section~~
9 ~~1277 of Act No. 451 of the Public Acts of 1976, being section~~
10 ~~380.1277 of the Michigan Compiled Laws~~ **THE REVISED SCHOOL CODE,**
11 **1976 PA 451, MCL 380.1277.**

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

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

23 (f) The decision of whether or not to contract with a third
24 party for 1 or more noninstructional support services; or the
25 procedures for obtaining the contract; or the identity of the third
26 party; or the impact of the contract on individual employees or the
27 bargaining unit. **THE PROHIBITION IN THIS SUBDIVISION DOES NOT**

1 OPERATE TO PROHIBIT CURRENT SCHOOL EMPLOYEES FROM OFFERING BIDS TO
2 PERFORM THE CONTRACTED SERVICES OR FROM OFFERING ALTERNATIVE PLANS
3 FOR PROVIDING THE NONINSTRUCTIONAL SUPPORT SERVICES FOR THE PUBLIC
4 EMPLOYER'S CONSIDERATION.

5 (g) The use of volunteers in providing services at its
6 schools.

7 (h) Decisions concerning use of experimental or pilot programs
8 and staffing of experimental or pilot programs and decisions
9 concerning use of technology to deliver educational programs and
10 services and staffing to provide the technology, or the impact of
11 these decisions on individual employees or the bargaining unit.

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

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