

**SUBSTITUTE FOR
HOUSE BILL NO. 4688**

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; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,"

by amending sections 11 and 15 (MCL 423.211 and 423.215), section 15 as amended by 2023 PA 143.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. Representatives designated or selected for purposes
2 of collective bargaining by the majority of the public employees in
3 a unit appropriate for ~~such~~**those** purposes, ~~shall be~~**are** the
4 exclusive representatives of all the public employees in ~~such~~**the**



1 unit for the purposes of collective bargaining ~~in~~**with** respect to
2 rates of pay, wages, hours of employment, or other conditions of
3 employment, **including, but not limited to, for employees subject to**
4 **1969 PA 312, MCL 423.231 to 423.247, minimum staffing levels within**
5 **the unit**, and shall be so recognized by the public employer, ÷
6 ~~Provided, That~~**except that** any individual employee at any time may
7 present grievances to his employer and have the grievances
8 adjusted, without intervention of the bargaining representative, if
9 the adjustment is not inconsistent with the terms of a collective
10 bargaining contract or agreement then in effect ~~, provided that~~**and**
11 the bargaining representative has been given opportunity to be
12 present at such adjustment.

13 Sec. 15. (1) A public employer shall bargain collectively with
14 the representatives of its employees as described in section 11 and
15 may make and enter into collective bargaining agreements with those
16 representatives. Except as otherwise provided in this section, for
17 the purposes of this section, to bargain collectively is to perform
18 the mutual obligation of the employer and the representative of the
19 employees to meet at reasonable times and confer in good faith with
20 respect to wages, hours, and other terms and conditions of
21 employment, **including, but not limited to, for employees subject to**
22 **1969 PA 312, MCL 423.231 to 423.247, minimum staffing levels within**
23 **the unit**, or to negotiate an agreement, or any question arising
24 under the agreement, and to execute a written contract, ordinance,
25 or resolution incorporating any agreement reached if requested by
26 either party, but this obligation does not compel either party to
27 agree to a proposal or make a concession.

28 (2) A public school employer has the responsibility,
29 authority, and right to manage and direct on behalf of the public



1 the operations and activities of the public schools under its
2 control.

3 (3) Collective bargaining between a public school employer and
4 a bargaining representative of its employees must not include any
5 of the following subjects:

6 (a) Who is or will be the policyholder of an employee group
7 insurance benefit. This subdivision does not affect the duty to
8 bargain with respect to types and levels of benefits and coverages
9 for employee group insurance. A change or proposed change in a type
10 or to a level of benefit, policy specification, or coverage for
11 employee group insurance must be bargained by the public school
12 employer and the bargaining representative before the change takes
13 effect.

14 (b) Establishment of the starting day for the school year and
15 of the amount of pupil contact time required to receive full state
16 school aid under section 1284 of the revised school code, 1976 PA
17 451, MCL 380.1284, and under section 101 of the state school aid
18 act of 1979, 1979 PA 94, MCL 388.1701.

19 (c) The composition of school improvement committees
20 established under section 1277 of the revised school code, 1976 PA
21 451, MCL 380.1277.

22 (d) The decision of whether or not to provide or allow
23 interdistrict or intradistrict open enrollment opportunity in a
24 school district or the selection of grade levels or schools in
25 which to allow an open enrollment opportunity.

26 (e) The decision of whether or not to act as an authorizing
27 body to grant a contract to organize and operate 1 or more public
28 school academies under the revised school code, 1976 PA 451, MCL
29 380.1 to 380.1852.



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

3 (g) Decisions concerning use and staffing of experimental or
4 pilot programs and decisions concerning use of technology to
5 deliver educational programs and services and staffing to provide
6 that technology, or the impact of those decisions on individual
7 employees or the bargaining unit.

8 (h) Any compensation or additional work assignment intended to
9 reimburse an employee for or allow an employee to recover any
10 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) Each collective bargaining agreement entered into between
17 a public employer and public employees under this act on or after
18 March 28, 2013 must include a provision that allows an emergency
19 manager appointed under the local financial stability and choice
20 act, 2012 PA 436, MCL 141.1541 to 141.1575, to reject, modify, or
21 terminate the collective bargaining agreement as provided in the
22 local financial stability and choice act, 2012 PA 436, MCL 141.1541
23 to 141.1575. Provisions required by this subsection are prohibited
24 subjects of bargaining under this act.

25 (6) Collective bargaining agreements under this act may be
26 rejected, modified, or terminated pursuant to the local financial
27 stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575.
28 This act does not confer a right to bargain that would infringe on
29 the exercise of powers under the local financial stability and



1 choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

2 (7) A unit of local government that enters into a consent
3 agreement under the local financial stability and choice act, 2012
4 PA 436, MCL 141.1541 to 141.1575, is not subject to subsection (1)
5 for the term of the consent agreement, as provided in the local
6 financial stability and choice act, 2012 PA 436, MCL 141.1541 to
7 141.1575.

8 (8) If the charter of a city, village, or township with a
9 population of 500,000 or more requires and specifies the method of
10 selection of a retirant member of the municipality's fire
11 department, police department, or fire and police department
12 pension or retirement board, the inclusion of the retirant member
13 on the board and the method of selection of that retirant member
14 are prohibited subjects of collective bargaining, and any provision
15 in a collective bargaining agreement that purports to modify that
16 charter requirement is void and of no effect.

17 (9) An agreement with a collective bargaining unit must not
18 require a public employer to pay the costs of an independent
19 examiner verification described in section 10(4).

