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BILL ANALYSIS

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Senate Bill 796 (as introduced 1-30-18)
Sponsor: Senator Marty Knollenberg
Committee: Education

Date Completed: 3-6-18

CONTENT

The bill would amend the public employment relations Act to do the following:

- **Prohibit a public employer from entering into a bargaining agreement that required or allowed paid release time for a bargaining representative to conduct union business, if the public employer paid for the release time.**
- **Prohibit a community college (in addition to a public school employer) from using its resources to assist a labor organization in collecting dues from employees' wages.**

Specifically, the bill would prohibit a public employer or an officer or agent of a public employer, on or after the bill's effective date, from entering into or renewing a bargaining agreement that required or allowed paid release time for a union officer or bargaining representative to conduct union business if the release time were paid by the public employer. The prohibition would not apply to a bargaining agreement for any of the following:

- Employees subject to compulsory arbitration under Public Act 312 of 1969.
- Corrections officers employed by a county sheriff in a county jail, work camp, or other facility maintained by a county that housed adult prisoners.
- Corrections officers employed by the Department of Corrections.
- Employees of a State or local transit authority that sought or received Federal financial assistance in accordance with Federal labor standards.

(Public Act 312 of 1969 provides for compulsory arbitration of labor disputes in municipal police and fire departments, establishes the procedures for arbitration, and provides for the enforcement and review of arbitration awards.)

"Release time" would mean any of the following as defined in the Public School Employees Retirement Act:

- Employee organization professional services leave.
- Professional services leave.
- Employee organization professional services released time.
- Professional services released time.

(The Public School Employees Retirement Act defines "employee organization professional services leave" or "professional services leave" as a leave of absence that is renewed annually by the reporting unit (e.g., a public school district) so that a member may accept a position with a public school employee organization to which he or she belongs and that represents employees of a reporting unit in employment matters. "Employee organization professional services released time" or "professional services released time" means a portion of the school fiscal year during which a member is released by the reporting unit from his or her regularly assigned duties to engage in employment matters for a public school employee organization to which he or she belongs.)

Under the public employment relations act, a public employer or an officer or agent of a public employer is prohibited from initiating, creating, dominating, contributing to, or interfering with the formation or administration of any labor organization. A public school employer's use of public school resources to assist a labor organization in collecting dues or service fees from wages of public school employees is a prohibited contribution to the administration of a labor organization.

Under the bill, these provisions would apply to a community college, as well as a public school employer.

The bill would take effect 90 days after its enactment.

MCL 423.210 Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State and local units of government. Under the bill, employer-paid leave or release time for union officers would no longer be allowable as part of a collective bargaining agreement (CBA) between a union and a public employer. According to data collected in 2015, a total of 67 school districts in Michigan have these types of provisions in the collective bargaining agreements with their respective labor unions, and the cost associated totals about $2.7 million per year. If these provisions were simply eliminated outright from future CBAs, school districts would see total cost savings of $2.7 million on those contracts relative to otherwise identical contracts that contained the provisions in question. On the other hand, if other concessions were negotiated in lieu of union leave time provisions, the potential savings could be reduced or new costs could be created if the alternative concessions were more expensive than the union leave time provisions would have been.

Fiscal Analyst: Michael Siracuse