

HOUSE BILL NO. 6293

December 13, 2024, Introduced by Rep. O'Neal and referred to the Committee on Government Operations.

A bill to amend 1969 PA 312, entitled

"An act to provide for compulsory arbitration of labor disputes in municipal police and fire departments; to define such public departments; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof,"

by amending the title and sections 1, 2, 3, and 9 (MCL 423.231, 423.232, 423.233, and 423.239), section 2 as amended by 2023 PA 171 and section 9 as amended by 2014 PA 189.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

1 An act to provide for compulsory arbitration of labor disputes
 2 in municipal police and fire departments, **and in public schools**; to
 3 define such public departments **and public schools**; to provide for
 4 the selection of members of arbitration panels; to prescribe the
 5 procedures and authority ~~thereof~~; **of arbitration panels**; and to
 6 provide for the enforcement and review of awards ~~thereof~~.**of**
 7 **arbitration panels.**

8 Sec. 1. It is the public policy of this state that in public
 9 police and fire departments, **and in public schools**, where the right
 10 of employees to strike is ~~by law prohibited~~ **by law**, it is requisite
 11 to the high morale of such employees and the efficient operation of
 12 such departments **and public schools** to afford an alternate,
 13 expeditious, effective, and binding procedure for the resolution of
 14 disputes. ~~and to that end the~~ **The** provisions of this act,
 15 providing for compulsory arbitration, ~~shall~~ **must** be liberally
 16 construed.

17 Sec. 2. (1) As used in this act:

18 (a) "Emergency medical service personnel" includes ~~a person an~~
 19 **individual** who provides assistance at dispatched or observed
 20 medical emergencies ~~occurring~~ **that occur** outside a recognized
 21 medical facility including instances of heart attack, stroke,
 22 injury accidents, electrical accidents, drug overdoses, imminent
 23 childbirth, and other instances where there is the possibility of
 24 death or further injury; initiates stabilizing treatment or
 25 transportation of injured **individuals** from the emergency site; and
 26 notifies police or interested departments of certain situations
 27 ~~encountered~~ **the individual encounters**, including criminal matters,
 28 poisonings, and the report of contagious diseases.

29 (b) "Emergency telephone operator" includes ~~a person an~~

1 **individual** employed by a police or fire department for the purpose
2 of relaying emergency calls to police, fire, or emergency medical
3 service personnel.

4 (c) "Institution of higher education" means any of the
5 following:

6 (i) An institution of higher education described in section 4
7 or 6 of article VIII of the state constitution of 1963.

8 (ii) A community or junior college described in section 7 of
9 article VIII of the state constitution of 1963.

10 (d) **"Intermediate school district" means that term as defined**
11 **in section 4 of the revised school code, 1976 PA 451, MCL 380.4.**

12 (e) ~~(d)~~—"Public police or fire department employee" means any
13 employee of a city, county, village, township, or institution of
14 higher education, or of any authority, district, board, or any
15 other entity created in whole or in part by the authorization of 1
16 or more cities, counties, villages, townships, or institutions of
17 higher education, whether created by statute, ordinance, contract,
18 resolution, delegation, or any other mechanism, who is engaged as a
19 police officer or in firefighting or who is subject to the hazards
20 thereof; a corrections officer employed by a county sheriff in a
21 county jail, work camp, or other facility maintained by a county
22 and that houses adult prisoners; emergency medical service
23 personnel employed by a public police or fire department; or an
24 emergency telephone operator, but only if directly employed by a
25 public police or fire department. Public police or fire department
26 employee does not include any of the following:

27 (i) An employee of a metropolitan district created under 1939
28 PA 147, MCL 119.51 to 119.62.

29 (ii) An emergency telephone operator employed by a 9-1-1

1 authority or consolidated dispatch center.

2 (iii) An employee of an authority that is in existence on June
3 1, 2011, unless the employee is represented by a bargaining
4 representative on that date, or a contract in effect on that date
5 specifically provides the employee with coverage under this act. An
6 exclusion under this subparagraph terminates if the authority
7 composition changes to include an additional governmental unit or a
8 portion of a governmental unit. This subparagraph does not
9 terminate an exclusion created under subparagraphs (i) to (iii).

10 (f) **"Public school" means a public elementary or secondary**
11 **educational entity or agency that is established under the revised**
12 **school code, 1976 PA 451, MCL 380.1 to 380.1852, that has as its**
13 **primary mission the teaching and learning of academic and**
14 **vocational-technical skills and knowledge, and is operated by a**
15 **school district or intermediate school district.**

16 (g) **"Public school employee" means an employee of a public**
17 **school and includes an individual employed by a school district or**
18 **intermediate school district.**

19 (h) **"School district" means either of the following:**

20 (i) **A general powers school district that operates under**
21 **section 11a of the revised school code, 1976 PA 451, MCL 380.11a.**

22 (ii) **A first class school district that operates under part 6**
23 **of the revised school code, 1976 PA 451, MCL 380.401 to 380.483a.**

24 (2) This act does not apply to ~~persons~~**individuals** employed by
25 a private emergency medical service company who work under a
26 contract with a governmental unit or personnel working in an
27 emergency service organization whose duties are solely of an
28 administrative or supporting nature and who are not otherwise
29 qualified under subsection (1)(a).

1 Sec. 3. ~~Whenever~~**If** in the course of mediation of a public
 2 police or fire department **employee's or public school** employee's
 3 dispute, except a dispute ~~concerning~~**that concerns** the
 4 interpretation or application of an existing agreement, ~~(a-a~~
 5 "grievance" ~~dispute)~~,**dispute**, the dispute ~~has~~**is** not ~~been~~ resolved
 6 to the agreement of both parties ~~within~~**not more than** 30 days ~~of~~
 7 **after** the submission of the dispute to mediation, or ~~within such~~
 8 **not more than** further additional periods ~~to which~~**that** the parties
 9 may agree **to**, the employees or employer may initiate binding
 10 arbitration proceedings by prompt request, ~~therefor~~, in writing, to
 11 the other, with copy **of the request** to the employment relations
 12 commission.

13 Sec. 9. ~~(1)~~If the parties have no collective bargaining
 14 agreement or the parties have an agreement and have begun
 15 negotiations or discussions ~~looking to~~**for** a new agreement or
 16 amendment of the existing agreement and wage rates or other
 17 conditions of employment under the proposed new or amended
 18 agreement are in dispute, the arbitration panel shall base its
 19 findings, opinions, and order ~~upon~~**on** the following factors:

20 ~~(a) The financial ability of the unit of government to pay.~~
 21 ~~All of the following shall apply to the arbitration panel's~~
 22 ~~determination of the ability of the unit of government to pay:~~

23 ~~(i) The financial impact on the community of any award made by~~
 24 ~~the arbitration panel.~~

25 ~~(ii) The interests and welfare of the public.~~

26 ~~(iii) All liabilities, whether or not they appear on the balance~~
 27 ~~sheet of the unit of government.~~

28 ~~(iv) Any law of this state or any directive issued under the~~
 29 ~~local financial stability and choice act, 2012 PA 436, MCL 141.1541~~

1 ~~to 141.1575, that places limitations on a unit of government's~~
2 ~~expenditures or revenue collection.~~

3 (a) ~~(b)~~—The lawful authority of the employer.

4 (b) ~~(c)~~—Stipulations of the parties.

5 (c) ~~(d)~~—Comparison of the wages, hours, and conditions of
6 employment of the employees involved in the arbitration proceeding
7 with the wages, hours, and conditions of employment of other
8 employees ~~performing~~ **who perform** similar services and with other
9 employees generally in both of the following:

10 (i) Public employment in comparable communities.

11 (ii) Private employment in comparable communities.

12 (d) ~~(e)~~—Comparison of the wages, hours, and conditions of
13 employment of other employees of the unit of government outside of
14 the bargaining unit in question.

15 (e) ~~(f)~~—The average consumer prices for goods and services,
16 commonly known as the cost of living.

17 (f) ~~(g)~~—The overall compensation presently received by the
18 employees, including direct wage compensation, vacations, holidays,
19 and other excused time, insurance and pensions, medical and
20 hospitalization benefits, the continuity and stability of
21 employment, and all other benefits received.

22 (g) ~~(h)~~—Changes in any of the foregoing circumstances while
23 the arbitration proceedings are pending.

24 (h) ~~(i)~~—Other factors that are normally or traditionally taken
25 into consideration in the determination of wages, hours, and
26 conditions of employment through voluntary collective bargaining,
27 mediation, fact-finding, arbitration, or otherwise between the
28 parties, in the public service, or in private employment.

29 ~~(j) If applicable, a written document with supplementary~~

1 ~~information relating to the financial position of the local unit of~~
2 ~~government that is filed with the arbitration panel by a financial~~
3 ~~review commission as authorized under the Michigan financial review~~
4 ~~commission act.~~

5 ~~(2) The arbitration panel shall give the financial ability of~~
6 ~~the unit of government to pay the most significance, if the~~
7 ~~determination is supported by competent, material, and substantial~~
8 ~~evidence.~~

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