

PUBLIC EMPLOYMENT RELATIONS (EXCERPT)
Act 336 of 1947

423.215 Collective bargaining; duties of employer, public school employer, and employees' representative; prohibited subjects between public school employer and bargaining representative of employee; effect of financial stability and choice act; selection method for certain departments or boards; costs of independent examiner verification.

Sec. 15.

(1) A public employer shall bargain collectively with the representatives of its employees as described in section 11 and may make and enter into collective bargaining agreements with those representatives. Except as otherwise provided in this section, for the purposes of this section, to bargain collectively is to perform the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or to negotiate an agreement, or any question arising under the agreement, and to execute a written contract, ordinance, or resolution incorporating any agreement reached if requested by either party, but this obligation does not compel either party to agree to a proposal or make a concession.

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

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

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

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

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

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

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

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

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

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

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

(5) Each collective bargaining agreement entered into between a public employer and public employees under this act on or after March 28, 2013 must include a provision that allows an emergency manager appointed under the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575, to reject, modify, or terminate the collective bargaining agreement as provided in the local financial stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575. Provisions required by this subsection are prohibited subjects of bargaining under this act.

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

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

(8) If the charter of a city, village, or township with a population of 500,000 or more requires and specifies the method of selection of a retirant member of the municipality's fire department, police department, or fire and police

department pension or retirement board, the inclusion of the retirant member on the board and the method of selection of that retirant member are prohibited subjects of collective bargaining, and any provision in a collective bargaining agreement that purports to modify that charter requirement is void and of no effect.

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

History: Add. 1965, Act 379, Imd. Eff. July 23, 1965 ;-- Am. 1994, Act 112, Eff. Mar. 30, 1995 ;-- Am. 2009, Act 201, Imd. Eff. Jan. 4, 2010 ;-- Am. 2011, Act 9, Imd. Eff. Mar. 16, 2011 ;-- Am. 2011, Act 25, Imd. Eff. May 11, 2011 ;-- Am. 2011, Act 103, Imd. Eff. July 19, 2011 ;-- Am. 2011, Act 260, Imd. Eff. Dec. 14, 2011 ;-- Am. 2012, Act 12, Imd. Eff. Feb. 15, 2012 ;-- Am. 2012, Act 45, Imd. Eff. Mar. 13, 2012 ;-- Am. 2012, Act 349, Eff. Mar. 28, 2013 ;-- Am. 2014, Act 414, Imd. Eff. Dec. 30, 2014 ;-- Am. 2023, Act 9, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 115, Eff. Feb. 13, 2024 ;-- Am. 2023, Act 143, Eff. Feb. 13, 2024

Compiler's Notes: Enacting section 1 of Act 349 of 2012 provides: "Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperative shall be severable from the remaining portions of this act." Enacting section 1 of Act 414 of 2014 provides: "Enacting section 1. If any part or parts of this act are found to be in conflict with the state constitution of 1963, the United States constitution, or federal law, this act shall be implemented to the maximum extent that the state constitution of 1963, the United States constitution, and federal law permit. Any provision held invalid or inoperable shall be severable from the remaining portions of this act." For transfer of state school reform/redesign school district and state school reform/redesign officer from department of education to state school reform office created as an autonomous entity within department of technology, management, and budget, see E.R.O. No. 2015-2, compiled at MCL 18.445. For transfer of certain powers and duties of department of education and superintendent of public instruction under MCL 380.1280c and 423.215 to state school reform/redesign office, see E.R.O. No. 2015-2, compiled at MCL 18.445. For transfer of powers and duties under MCL 380.1283c and 423.215 that were transferred from superintendent of public instruction to state school reform/redesign office by E.O. No. 2015-9 back to superintendent of public instruction with transfer of state school reform/redesign office from department of technology, management, and budget to department of education, see E.R.O. No. 2017-2, compiled at MCL 388.1282. Comment: Paragraph III.B of E.O. 2015-9 is rescinded.

Popular Name: Public Employment Relations