

**SUBSTITUTE FOR
SENATE BILL NO. 1167**

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



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

11 **(2) For public employees subject to 1969 PA 312, MCL 423.231**
12 **to 423.247, as used in subsection (1), "other conditions of**
13 **employment" includes, but is not limited to, minimum staffing**
14 **levels within the bargaining unit. For employees not subject to**
15 **1969 PA 312, MCL 423.231 to 423.247, this subsection does not**
16 **prohibit the employees from collective bargaining with respect to**
17 **minimum staffing levels within the bargaining unit.**

18 Sec. 15. (1) A public employer shall bargain collectively with
19 the representatives of its employees as described in section 11 and
20 may make and enter into collective bargaining agreements with those
21 representatives. Except as otherwise provided in this section, for
22 the purposes of this section, to bargain collectively is to perform
23 the mutual obligation of the employer and the representative of the
24 employees to meet at reasonable times and confer in good faith with
25 respect to wages, hours, and other terms and conditions of
26 employment, or to negotiate an agreement, or any question arising
27 under the agreement, and to execute a written contract, ordinance,
28 or resolution incorporating any agreement reached if requested by
29 either party, but this obligation does not compel either party to



1 agree to a proposal or make a concession.

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

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

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

17 (b) Establishment of the starting day for the school year and
18 of the amount of pupil contact time required to receive full state
19 school aid under section 1284 of the revised school code, 1976 PA
20 451, MCL 380.1284, and under section 101 of the state school aid
21 act of 1979, 1979 PA 94, MCL 388.1701.

22 (c) The composition of school improvement committees
23 established under section 1277 of the revised school code, 1976 PA
24 451, MCL 380.1277.

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

29 (e) The decision of whether or not to act as an authorizing



1 body to grant a contract to organize and operate 1 or more public
2 school academies under the revised school code, 1976 PA 451, MCL
3 380.1 to 380.1852.

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

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

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

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

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

28 (6) Collective bargaining agreements under this act may be
29 rejected, modified, or terminated pursuant to the local financial



1 stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575.
2 This act does not confer a right to bargain that would infringe on
3 the exercise of powers under the local financial stability and
4 choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

5 (7) A unit of local government that enters into a consent
6 agreement under the local financial stability and choice act, 2012
7 PA 436, MCL 141.1541 to 141.1575, is not subject to subsection (1)
8 for the term of the consent agreement, as provided in the local
9 financial stability and choice act, 2012 PA 436, MCL 141.1541 to
10 141.1575.

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

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

23 (10) **For public employees subject to 1969 PA 312, MCL 423.231**
24 **to 423.247, as used in subsection (1), "other terms and conditions**
25 **of employment" includes, but is not limited to, minimum staffing**
26 **levels within the bargaining unit. For employees not subject to**
27 **1969 PA 312, MCL 423.231 to 423.247, this subsection does not**
28 **prohibit the employees from collective bargaining with respect to**
29 **minimum staffing levels within the bargaining unit.**

