

## ALLOW INCLUSION OF CERTAIN TOPICS DURING COLLECTIVE BARGAINING UNDER PERA

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

### House Bills 4354 (H-1) and 4355 (H-1) as reported from committee

Sponsor: Rep. Regina Weiss

Committee: Labor

Complete to 6-12-23

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4354 would amend 1947 PA 336, the public employment relations act (PERA), to permit the inclusion of certain topics during collective bargaining for public school employees. House Bill 4355 is a companion bill that would make complementary updates to the State School Aid Act.

Among other excluded topics, PERA currently provides that decisions about the development, content, standards, procedures, adoption, and implementation of certain subjects cannot be included in collective bargaining negotiations between a public school employer and a representative of its employees. The impact of those decisions on an individual employee or the bargaining unit are also prohibited topics. These restricted subjects are:

- A public school employer's teacher placement policy.
- A public school employer's policies regarding personnel decisions when conducting a reduction, eliminating a position, recalling or hiring employees, or making any related decisions.
- The performance evaluation system, including decisions concerning the content of a performance evaluation of an employee.
- The policy regarding the discharge or discipline of a teacher.
- The format, timing, or number of classroom observations.
- The policy regarding the method of compensation, including decisions about how an employee performance evaluation is used to determine performance-based compensation.
- The notification to parents and legal guardians required under section 1249a of the Revised School Code.<sup>1</sup>

The following subjects are also prohibited from collective bargaining negotiations:

- A public employer's decision whether to enter into an intergovernmental agreement to consolidate services.
- The procedures for obtaining a contract for the transfer of functions or responsibilities under such an agreement.
- The identities of any other parties subject to the agreement.

Under **House Bill 4354**, the subjects from both lists would be permitted topics.

MCL 423.215

---

<sup>1</sup> This section provides that if a school is unable to comply with the requirement that it cannot assign a student to be taught in the same subject area for two consecutive years by a teacher who has been rated as ineffective for two consecutive years, the student's parent or legal guardian must be notified.

**House Bill 4355** would amend the State School Aid Act to remove the current prohibitions on collective bargaining agreements entered into by a school district or intermediate school district that include automatic payroll deductions for union dues<sup>2</sup> or methods of compensation that do not comply with section 1250 of the Revised School Code.<sup>3</sup>

The bill is tie-barred to House Bill 4354, which means that it would not go into effect unless HB 4354 were also enacted.

MCL 388.1764h

## **FISCAL IMPACT:**

The bills would have an indeterminate, but likely minimal, fiscal impact on local school districts, intermediate school districts (ISDs), and public school academies (PSAs). Any fiscal impact for an individual district, ISD, or PSA would be directly related to the assumed costs or benefits of any new collective bargaining agreement under the provisions of the bills compared to the prior or alternative status of any collective bargaining agreement that prohibited certain subjects from being collectively bargained.

## **POSITIONS:**

Representatives of the following entities testified in support of the bills:

- Department of Labor and Economic Opportunity (5-18-23)
- Bay City Education Association (5-25-23)
- Dearborn Federation of Teachers (5-25-23)
- Hamtramck Federation of Teachers (5-25-23)
- Michigan Education Association (5-18-23)

Representatives of the following entities testified in support of House Bill 4354 (5-18-23):

- Birch Run Education Association
- Center Line Education Association
- Clawson Education Association
- Grand Rapids Education Association
- Ionia Education Association
- Romeo Education Association
- Waterford Education Association

The following entities indicated support for the bills:

- American Federation of Teachers Michigan (5-25-23)
- Detroit Federation of Teachers (5-18-23)
- Galesburg-Augusta Education Association (5-18-23)
- Michigan AFL-CIO (5-18-23)
- Michigan Building and Construction Trades Council (5-18-23)
- Service Employees International Union Michigan (5-25-23)
- Taylor Federation of Teachers (5-18-23)

---

<sup>2</sup> This change is proposed to be made to PERA by House Bill 4233 of the current legislative session.

<sup>3</sup> Section 1250 pertains to performance-based methods of compensation for teachers and school administrators.

The Saginaw Township Education Association indicated support for House Bill 4354.  
(5-18-23)

Representatives of the following entities testified in opposition to House Bill 4354 (5-25-23):

- Michigan Association of School Boards
- Michigan Association of Superintendents and Administrators

The following entities indicated opposition to the bills:

- Barry Intermediate School District (5-25-23)
- Branch Intermediate School District (5-25-23)
- Calhoun Intermediate School District (5-25-23)
- Detroit Public Schools Community District (5-18-23)
- Grand Rapids Area Chamber of Commerce (5-25-23)
- Jackson Intermediate School District (5-25-23)
- K-12 Alliance of Michigan (5-18-23)
- Lenawee Intermediate School District (5-25-23)
- Macomb Intermediate School District (5-18-23)
- Michigan Association of Intermediate School Administrators (5-18-23)
- Monroe Intermediate School District (5-25-23)
- Oakland Schools (5-18-23)
- Wayne County Regional Educational Service Agency (5-18-23)

The following entities indicated opposition to House Bill 4354:

- Education Advocates of West Michigan (5-18-23)
- Mackinac Center for Public Policy (5-25-23)
- Michigan Alliance for Student Opportunity (5-18-23)
- Michigan Association of Secondary School Principals (5-25-23)

Legislative Analyst: Holly Kuhn  
Fiscal Analysts: Noel Benson  
Jacqueline Mullen

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.