

Legislative Analysis



INCLUDE MINIMUM STAFFING LEVELS AS REQUIRED SUBJECT OF BARGAINING

House Bill 4688 (H-2) as reported from committee
Sponsor: Rep. Jim Haadsma
Committee: Labor
Complete to 1-30-24

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

SUMMARY:

House Bill 4688 would amend 1947 PA 336, the Public Employment Relations Act (PERA), to require the inclusion of minimum staffing levels as a subject of collective bargaining between a public employer and the representative of its police and fire department employees.

Under PERA, public employers are required to participate in collective bargaining by conferring in good faith with their employees' bargaining representatives with respect to wages, hours, and other terms and conditions of employment. Collective bargaining also requires a public employer to participate in the negotiation of a collective bargaining agreement (CBA) and to execute a written contract, ordinance, or resolution that incorporates any agreement reached by the parties, but neither the employer nor the representative is required to agree to a proposal, make a concession, or enter into a CBA.

House Bill 4688 would specify that, for employees that are subject to 1969 PA 312, an act that requires arbitration for labor disputes involving public police and fire departments, "other terms and conditions of employment," as described above, includes minimum staffing levels within the bargaining unit. Minimum staffing levels for police and fire departments would also be considered a condition of employment with respect to a bargaining representative's collective bargaining responsibilities.

MCL 423.211 and 423.215

BRIEF DISCUSSION:

Supporters of House Bill 4688 argue that the bill would help address staff shortages in the public sector, particularly for fire and emergency service personnel. Some fire departments are operating at staffing levels below Occupational Safety and Health Administration (OSHA) and industry standards, which puts those employees in unnecessary danger. A solution to this problem would be to include staffing levels in collective bargaining negotiations, which would allow public employers and employees to discuss a department's needs and whether the local government can afford to hire more staff. Additionally, staffing levels used to be a standard topic for public sector collective bargaining negotiations, but current bargaining standards only require minimum staffing levels to be a mandatory subject if they are "inextricably intertwined" with the safety of the employees.¹ Supporters of the bill believe that this standard is insufficient to actually ensure safety.

¹ See *Oak Park Public Safety Officers Association v. City of Oak Park*:
https://www.courts.michigan.gov/497fc6/siteassets/case-documents/uploads/opinions/final/coa/20071018_c271767_33_192o.271767.opn.coa.pdf.

Critics of the bill argue that requiring bargaining over staffing levels would impose a burden on local governments, which are already working with limited resources to provide services for residents. While it is important to address staff shortages for emergency service personnel, hiring more staff in these areas could lead to cuts in other essential areas, especially during periods of economic downturn. Additionally, the bill only addresses departments that have collective bargaining agreements and not departments with less funding, which are typically in rural areas with volunteer or part-time staff.

HOUSE COMMITTEE ACTION:

The H-2 substitute reported by the House Labor Committee amended House Bill 4688 to only apply to employees subject to mandatory arbitration under 1969 PA 312 rather than all public employees.

FISCAL IMPACT:

The bill could potentially increase staffing costs to local police and fire departments and county correctional facilities. Any fiscal impacts would be directly related to whether any collective bargaining negotiations result in agreements pertaining to minimum staffing levels that raise current staffing levels.

POSITIONS:

Representatives of the Michigan Professional Fire Fighters Union testified in support of the bill. (9-14-23)

The following entities indicated support for the bill (9-14-23):

- American Federation of Teachers of Michigan
- American Federation of State, County and Municipal Employees Council 25
- Fort Gratiot Local 5392
- International Association of Fire Fighters Local 1188
- Michigan Education Association
- Michigan Nurses Association
- Michigan Professional Fire Fighters Union Local 1721
- Novi Local 3232
- Plymouth Township Fire Department Local 1496
- Rochester Professional Firefighters Local 5234
- Shelby Township Firefighters Local 1338
- Southfield Firefighters Local 1029
- Sterling Heights Local 1557
- Westland Firefighters

Representatives of the following entities testified in opposition to the bill (9-14-23):

- City of Wyoming
- Michigan Municipal League

The following entities indicated opposition to the bill:

- State 911 Committee (11-2-23)

- City of Ann Arbor (9-14-23)
- Mackinac Center for Public Policy (9-14-23)
- Michigan Association of Chiefs of Police (9-14-23)
- Michigan Association of Counties (11-2-23)
- Michigan Association of Fire Chiefs (9-14-23)
- Michigan Communications Directors' Association (11-2-23)
- Michigan County Medical Care Facilities Council (9-14-23)
- Michigan Sheriffs' Association (11-2-23)
- Michigan Townships Association (11-2-23)

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■ 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.