

## LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)\*

Updated 7/18/2018

PA#	DESCRIPTION OF CHANGE or ADDITION	EFFECTIVE	WEBLINK	MERC DECISION*
9	Requires collective bargaining agreements to contain a provision regarding the Emergency Manager law per PA4.	3-16-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	
45	Excludes "Graduate Assistants or equivalent" from "public employee" definition for collective bargaining purposes.	3-13-12	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-201">http://legislature.mi.gov/doc.aspx?mcl-423-201</a>	<i>*University of Michigan 6-19-14</i>
53	Prohibits school districts from collecting union dues or fees via payroll deduction (check off); Establishes MERC as conduit to receive and post annual audits from unions on MERC website beginning March 1, 2013.	3-20-12	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-210">http://legislature.mi.gov/doc.aspx?mcl-423-210</a>	
54	At contract expiration until a newly ratified CBA: (a) wages & step increases are frozen, (b) Insurance increases passed to employees, (c) Eliminates retroactive increases.	6-8-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215b">http://legislature.mi.gov/doc.aspx?mcl-423-215b</a>	<i>*Kent County 12-18-17 *Traverse Bay ISD 12-18-14 *Schoolcraft County 11-24-14 *Michigan State University 9-17-14 *Shelby Township 8-18-14 *Waverly Schools 12-14-12 *Bedford Schools 12-14-12</i>
76	Excludes from the "public employee" definition for collective bargaining purposes those persons employed by private entities that receive a government subsidy or stipend.	4-10-12	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-201">http://legislature.mi.gov/doc.aspx?mcl-423-201</a>	
100	Removes "Reasonable and Just Cause" discharge standard for public school employees subject to the Teacher Tenure Act.	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-38-101">http://legislature.mi.gov/doc.aspx?mcl-38-101</a>	
101	Establishes new standards for achieving and maintaining teacher tenure; revises teacher tenure hearing procedures	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-38-91">http://legislature.mi.gov/doc.aspx?mcl-38-91</a>	
102	Emphasizes student achievement in teacher performance evaluations; Expands prohibited subjects of bargaining.	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-380-1249">http://legislature.mi.gov/doc.aspx?mcl-380-1249</a>	<i>*Pontiac Schools 3-17-14</i>

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<b>103</b>	Expands prohibited subjects of bargaining for public school teachers to include: performance evaluation standards; merit pay standards; decisions on layoff, recall, hiring, position eliminations, etc.	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	<p><i>*Vassar Schools 3-24-17</i>  <i>*Ionia Schools 12-27-16</i>  <i>*Howell Schools 10-20-16</i>  <i>*Ionia ISD 8-15-16</i>  <i>*Shiawassee 7-25-16</i>  <i>*Pontiac Education Assn. 12-18-14</i>  <i>*Ionia Schools 12-18-14</i>  <i>*Pontiac Schools 10-16-14</i>  <i>*Calhoun Intermediate Ed. Assn. 9-15-14</i>  <i>*Pontiac Schools 5-21-14</i>  <i>*Pontiac Schools 5-20-14</i>  <i>*Ionia Schools 4-22-14</i>  <i>*Pontiac Schools 3-17-14</i></p>
<b>109</b>	Require school districts with a general fund balance of less than 5% of total general fund revenues to transmit its budgetary assumptions to the Center for Educational Performance and Information.	7-7-15	<a href="http://legislature.mi.gov/doc.aspx?mcl-380-1219">http://legislature.mi.gov/doc.aspx?mcl-380-1219</a>	
<b>110</b>	Provides that the state financial authority for a school district with a deficit elimination plan (DEP) to be the State Treasurer rather than the State Superintendent; Requires a district's state financial authority to determine existence of probable financial stress if the district either: failed to comply with the DEP or has a DEP that provides for the elimination of its deficit over a period greater than 5 years.	7-7-15	<a href="http://legislature.mi.gov/doc.aspx?2015-HB-4326">http://legislature.mi.gov/doc.aspx?2015-HB-4326</a>	
<b>111</b>	Shifts and expands the requirements related to DEP's from the School Aid Act to the Revised School Code.	7-7-15	<a href="http://legislature.mi.gov/doc.aspx?mcl-380-1220">http://legislature.mi.gov/doc.aspx?mcl-380-1220</a>	
<b>112</b>	Gives authority to Department of Treasury to withhold school aid payments from a district to incentivize it to eliminate its deficit until it submits, and Treasury approves, its DEP.	7-7-15	<a href="http://legislature.mi.gov/doc.aspx?mcl-388-1702">http://legislature.mi.gov/doc.aspx?mcl-388-1702</a>	

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<b>116</b>	Shifts cost of 312 arbitration solely to the Parties; Last offers submitted up front in process; Sets strict timelines; Requires MERC training for 312 panel arbitrators.	7-20-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-235">http://legislature.mi.gov/doc.aspx?mcl-423-235</a> <a href="http://legislature.mi.gov/doc.aspx?mcl-423-236">http://legislature.mi.gov/doc.aspx?mcl-423-236</a> <a href="http://legislature.mi.gov/doc.aspx?mcl-423-238">http://legislature.mi.gov/doc.aspx?mcl-423-238</a>	
<b>152</b>	Caps Employer's health care contributions to either: (a) Hard Cap plan (Single 5.5K, 2person 11K, Family 15K); or (b) 80-20 plan health. Employers must comply or forfeit budget offsets.	9-27-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-152-of-2011">http://legislature.mi.gov/doc.aspx?mcl-act-152-of-2011</a>	<b>*Kent County 12-18-17</b> <b>*Clarkston Schools 9-18-17</b> <b>*Grand Traverse Co. 3-29-17 (20 Day Order)</b> <b>*Traverse Bay ISD 10-20-15</b> <b>*Capac Schools 7-28-15</b> <b>*Garden City Schools 2-11-15</b> <b>*City of Southfield 11-18-14</b> <b>*West Iron Schools 11-21-14</b> <b>*Watersmeet Schools 10-8-14</b> <b>*Shelby Township 8-18-14</b> <b>*Decatur Schools 1-21-14</b>
<b>194</b>	Revise the process for handling teacher strikes and lockouts in order to provide a more effective and efficient means for addressing these violations of PERA.	9-19-16	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-202a">http://legislature.mi.gov/doc.aspx?mcl-423-202a</a>	
<b>260</b>	Expands prohibited subjects of bargaining for public school teachers to include: classroom observation, teacher placement, evaluation, discipline and discharge.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	<b>*Detroit Federation of Teachers 11-14-14</b>
<b>261</b>	Authorizes intergovernmental transfers of municipal emergency service employees.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-124-610">http://legislature.mi.gov/doc.aspx?mcl-124-610</a>	
<b>262</b>	Permits consolidations at Employer's discretion; Obligates parties to negotiate a new CBA(s).	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-124-534">http://legislature.mi.gov/doc.aspx?mcl-124-534</a>	
<b>263</b>	Authorizes intergovernmental transfers of employees and responsibilities.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-124-505">http://legislature.mi.gov/doc.aspx?mcl-124-505</a>	

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Updated 7/18/2018

<b>277</b>	Expands number of charter schools in state (unlimited).	1-10-12	<a href="http://legislature.mi.gov/doc.aspx?2011-SB-0618">http://legislature.mi.gov/doc.aspx?2011-SB-0618</a>	
<b>297</b>	Prohibits public employers from providing domestic partner benefits.	12-22-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-297-of-2011">http://legislature.mi.gov/doc.aspx?mcl-act-297-of-2011</a>	
<b>322</b>	Excludes Act 312 eligible employees from the provisions of PA 54.	10-15-14	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215b">http://legislature.mi.gov/doc.aspx?mcl-423-215b</a>	
<b>323</b>	Parties are prohibited from bargaining over the subject of a prohibition on a firefighter volunteering for or obtaining paid on-call employment with another fire department.	10-15-14	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215a">http://legislature.mi.gov/doc.aspx?mcl-423-215a</a>	<b>*Delhi Charter Township 10-31-13</b>
<b>348</b>	Establishes MI as a 'right to work' state (private sector), which prohibits private sector employees in unionized workplaces from being required to join the union, or that nonunion employees pay agency fees, assessments, or other charges or expenses, or provide anything of value to a labor organization or bargaining representative as a condition of employment.	3-28-13	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-14">http://legislature.mi.gov/doc.aspx?mcl-423-14</a>	
<b>349</b>	Establishes MI as a 'right to work' state (public sector), which prohibits public sector employees from being required to join the union, or that non-union employees pay agency fees, assessments, or other charges or expenses, or provide anything of value to a labor organization or bargaining representative as a condition of employment.	3-28-13	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-14">http://legislature.mi.gov/doc.aspx?mcl-423-14</a>	<p style="color: red;"><b>Language in Commission rulings may be Inconsistent with the U.S. Supreme Court's Decision in Janus v. AFSCME Council 31, et al., 585, U.S. __ (2018)</b></p> <p> <b>*MEA &amp; Robinson 4-17-18</b>  <b>*Ann Arbor EA &amp; Finnan &amp; Merante 4-13-18</b>  <b>*Clarkston Schs 9-18-17</b>  <b>*Grand Blanc Clerical Ass'n 2-11-16</b>  <b>*Teamsters&amp;House 2-10-16</b>  <b>*Standish-Sterling 1-15-16</b>  <b>*Teamsters&amp;Cottrell 1-14-16</b>  <b>*Teamsters&amp;Beutler 12-11-16</b>  <b>*Saginaw Education Association 9-23-15</b>  <b>*Taylor Schools 2-13-15</b>  <b>*Delhi Charter Township 2-14-14</b> </p>

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<b>414</b>	Excludes university athletes from “public employee” definition for collective bargaining purposes; Requires exclusive bargaining representative to file a declaration identifying the local bargaining units represented; Requires Unions to use an “Independent Examiner” to verify its expenditures attributed to collective bargaining, contract administration, and grievance adjustment, and to file the verification with MERC/BER.	12-30-14	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	
<b>436</b>	Replaces Emergency Financial Manager (EFM) authority under PA 72. Permits the appointment of an Emergency Manager (EM) where a financial emergency exists; Duty to Bargain suspended for up to 5years; EM term limited to 16 months; EM can nullify existing CBAs.	3-28-13	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-436-of-2012">http://legislature.mi.gov/doc.aspx?mcl-act-436-of-2012</a>	<p><b>*Wayne County 5-12-17</b>  <b>*City of Ecorse 5-13-16</b>  <b>*Wayne County 10-16-15</b>  <b>*City of Detroit 6-14-13</b></p>

***\*Decisions referenced above are posted on MERC’s website under “Decisions” using the MERC Decisions subcategory and the corresponding issue date.***

***\*Additionally, some cases may currently be on appeal with the Michigan Court of Appeals, and that is not reflected by this chart.***