

LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)*

Updated 4/2024

| PA# | DESCRIPTION OF CHANGE or ADDITION | EFFECTIVE | WEBLINK | MERC DECISION* |
|----------------------------|--|----------------|---|--|
| 8 (2023) | Repeals FTW in Labor Mediation Act - allows for payment of service fee to union as a condition of employment | 2-13-24 | http://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0008.htm | |
| 9 (2023) | Repeals FTW in PERA - allows for payment of service fee to union as a condition of employment. (Application is conditioned on reversal of Janus vs AFSCME et. al.) | 2-13-24 | http://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0009.htm | |
| 9 (2011) | Requires collective bargaining agreements to contain a provision regarding the Emergency Manager law (Section 15(5)) | 3-16-11 | http://legislature.mi.gov/doc.aspx?mcl-423-215 | |
| 45 (2012) | Excludes "Graduate Assistants or equivalent" from "public employee" definition for collective bargaining purposes. Repealed by 2023 PA 237 | 3-13-12 | | *University of Michigan 6-19-14 |
| 53 (2012) | Prohibits school districts from collecting union dues or fees via payroll deduction (check-off); Repealed by 2023 PA 114 Establishes MERC as conduit to receive and post annual audits from unions on MERC website. | 3-20-12 | | |
| 54 (2011) | At contract expiration until a newly ratified CBA: (a) wages & step increases are frozen, (b) Insurance increases passed to employees, (c) Eliminates retroactive increases. Repealed by 2023 PA 113 | 6-8-11 | | *Kent County 12-18-17 *Traverse Bay ISD 12-18-14 *Schoolcraft County 11-24-14 *Michigan State University 9-17-14 *Shelby Township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 |
| 63 (2022) | Requires public meetings of state licensing boards, state commission panels, and state | 3-28-23 | http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2022-PA-0063.pdf | |

**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.*

LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)*

Updated 4/2024

| | | | | |
|-----------------------|---|---------|---|---|
| | rule-making boards to record meetings to allow for the capture of sound, such as an audio-only recording, a video recording with sound and picture, or a broadcast that is capable of being recorded. | | | |
| 76 (2012) | 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 | http://legislature.mi.gov/doc.aspx?mcl-423-201 | |
| 100 (2011) | Removes “Reasonable and Just Cause” discharge standard for public school employees subject to the Teacher Tenure Act. Repealed by 2023 PA | 7-19-11 | | |
| 101 (2011) | Establishes new standards for achieving and maintaining teacher tenure; revises teacher tenure hearing procedures | 7-19-11 | http://legislature.mi.gov/doc.aspx?mcl-38-91 | |
| 102 (2011) | Emphasizes student achievement in teacher performance evaluations; Expands prohibited subjects of bargaining. Repealed by 2023 PA 115 | 7-19-11 | | *Pontiac Schools 3-17-14 |
| 103 (2011) | 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. Repealed by 2023 PA 115 | 7-19-11 | | *Kalamazoo Schs 10-11-22 *Garden City Schs&EA 10-22-20 *Vassar Schools 3-24-17 *Ionia Schools 12-27-16 *Howell Schools 10-20-16 *Ionia ISD 8-15-16 *Shiawassee 7-25-16 *Pontiac Education Assn. 12-18-14 *Ionia Schools 12-18-14 *Pontiac Schools 10-16-14 *Calhoun Intermediate Ed. Assn. 9-15-14 |

**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.*

LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)*

Updated 4/2024

| | | | | |
|-----------------------|---|----------------|---|---|
| | | | | <p><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> |
| 109 (2015) | 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 | http://legislature.mi.gov/doc.aspx?mcl-380-1219 | |
| 110 (2015) | 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 | http://legislature.mi.gov/doc.aspx?2015-HB-4326 | |
| 111 (2015) | Shifts and expands the requirements related to DEP's from the School Aid Act to the Revised School Code. | 7-7-15 | http://legislature.mi.gov/doc.aspx?mcl-380-1220 | |
| 112 (2015) | 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 | http://legislature.mi.gov/doc.aspx?mcl-388-1702 | |
| 112 (2023) | Amends Revised School Code to include job performance and accomplishments as a significant determining factor when determining compensation for Teachers and School Administrators. | 7-27-23 | https://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0112.htm | |

**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.*

LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)*

Updated 4/2024

| | | | | |
|-----------------------|--|----------------|---|---|
| 113 (2023) | Repeals §15b of PERA and eliminates language prohibiting public employers from paying agreed upon increases in wages or benefits after expiration of current collective bargaining agreement. | 2-13-24 | | Repeals Pa 54 and 152 of 2011 |
| 114 (2023) | Removes the prohibition against public school employers using school resources to collect union dues or service fees. Repeals 2012 PA 53 | 2-13-24 | | |
| 115 (2023) | Removes certain prohibited subjects of bargaining that had been previously added under Section 15(3) & (11) that applied to K-12 public schools. Repeals 2014 PA 414 | 2-13-24 | | |
| 116 (2011) | 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 | http://legislature.mi.gov/doc.aspx?mcl-423-235 http://legislature.mi.gov/doc.aspx?mcl-423-236 http://legislature.mi.gov/doc.aspx?mcl-423-238 | |
| 143 (2023) | Public school employers would be permitted to bargain with employees' union over whether they will contract with a third party for noninstructional support services. Removes the prior prohibition over bargaining over this issue. | 2-13-24 | http://legislature.mi.gov/doc.aspx?mcl-423-215-amended | |
| 144 (2023) | Removes prior prohibition of public schools agreeing to and processing automatic dues/agency fee deductions based on CBA check off provisions. | 2-13-24 | http://legislature.mi.gov/doc.aspx?mcl-388-1764h-added | |
| 152 (2011) | 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 | http://legislature.mi.gov/doc.aspx?mcl-act-152-of-2011 | *Kent County 12-18-17 *Clarkston Schools 9-18-17 *Grand Traverse Co. 3-29-17 (20 Day Or *Traverse Bay ISD 10-20-15 *Capac Schools 7-28-15 *Garden City Schools 2-11-15 |

**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.*

LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)*

Updated 4/2024

| | | | | |
|-----------------------------|---|-----------------|---|--|
| | | | | <p><i>*City of Southfield 11-18-14</i> <i>*West Iron Schools 11-21-14</i> <i>*Watersmeet Schools 10-8-14</i> <i>*Shelby Township 8-18-14</i> <i>*Decatur Schools 1-21-14</i></p> |
| 171 (2023) | Amends Act 312 to extend its coverage to (i) corrections officers employed by a county sheriff's department, and (ii) police officers and fire fighters employed by "higher education institutions." | 1-22-24 | http://legislature.mi.gov/doc.aspx?mcl-423-232-amended | |
| 172 (2023) | Amends Act 312 to make some of the language more gender neutral by changing "chairman" and "he" to "chair" or "the chair." Tie-barred with HB 4438 when passed by the House. | 10-24-23 | http://legislature.mi.gov/doc.aspx?mcl-423-235 | |
| 194 (2016) | 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 | http://legislature.mi.gov/doc.aspx?mcl-423-202a | |
| 236 (2023) | Adds Section 11(a) to PERA: requires Employer to provide Union certain contact information regarding bargaining unit employees within 30 days of adding a new member and in 90 day intervals for the entire bargaining unit. | 2-13-24 | https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-423-211a | |
| 237 (2023) | Deletes "graduate student research assistants or equivalent positions" from being excluded from the "public employee" definition under PERA; Deletes the 20-factor test for determining employer- employee relationship. Repeals 2021 PA 45 | 2-13-24 | https://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0237.htm | |

**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.*

LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)*

Updated 4/2024

| | | | | |
|-----------------------|---|----------|---|---|
| 260 (2011) | Expands prohibited subjects of bargaining for public school teachers to include: classroom observation, teacher placement, evaluation, discipline and discharge. REPEALED BY 2023 PA 115 | 12-14-11 | | <i>*Detroit Federation of Teachers 11-14-</i> |
| 261 (2011) | Authorizes intergovernmental transfers of municipal emergency service employees. | 12-14-11 | http://legislature.mi.gov/doc.aspx?mcl-124-610 | |
| 262 (2011) | Permits consolidations at Employer's discretion; Obligates parties to negotiate a new CBA(s). | 12-14-11 | http://legislature.mi.gov/doc.aspx?mcl-124-534 | |
| 263 (2011) | Authorizes intergovernmental transfers of employees and responsibilities. | 12-14-11 | http://legislature.mi.gov/doc.aspx?mcl-124-505 | |
| 277 (2011) | Allows more charter schools in MI (unlimited). | 3-28-12 | http://legislature.mi.gov/doc.aspx?2011-SB-0618 | |
| 297 (2011) | Prohibits public employers from providing domestic partner benefits. | 12-22-11 | http://legislature.mi.gov/doc.aspx?mcl-act-297-of-2011 | |
| 322 (2014) | Excludes Act 312 eligible employees from the provisions of PA 54. | 10-15-14 | http://legislature.mi.gov/doc.aspx?mcl-423-215b | |
| 323 (2014) | 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 | http://legislature.mi.gov/doc.aspx?mcl-423-215a | <i>*Delhi Charter Township 10-31-13</i> |
| 348 (2012) | 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 | 3-28-13 | | |

**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.*

LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)*

Updated 4/2024

| | | | | |
|-----------------------|---|----------|--|---|
| | organization or bargaining representative as a condition of employment. REPEALED BY 2023 PA 09 | | | |
| 349 (2012) | 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. REPEALED BY 2023 PA 09 | 3-28-13 | | <p>Commission rulings may conflict with U Decision: Janus v. AFSCME Council 31, al., 138 S.Ct., 2448 (2018)</p> <ul style="list-style-type: none"> *TPOAM&Renner 12-10-19 *Lansing EA&Shock 6-25-19 *Dewitt&MEA&Stepanski 6-12-19 *MEA & Robinson 4-17-18 *Ann Arbor EA & Finnan & Merante 4-18 *Clarkston Schs 9-18-17 *Grand Blanc Clerical Ass'n 2-11-16 *Teamsters&House 2-10-16 *Standish-Sterling 1-15-16 *Teamsters&Cottrell 1-14-16 *Teamsters&Beutler 12-11-16 *Saginaw Education Association 9-23-16 *Taylor Schools 2-13-15 *Delhi Charter Township 2-14-14 |
| 414 (2014) | 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 | | |

**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.*

LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)*

Updated 4/2024

| | | | | |
|-----------------------|--|---------|---|---|
| | Repealed by 2023 PA 115 | | | |
| 436 (2012) | 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 | http://legislature.mi.gov/doc.aspx?mcl-act-436-of-2012 | <p>*Wayne County 5-12-17</p> <p>*City of Ecorse 5-13-16</p> <p>*Wayne County 10-16-15</p> <p>*City of Detroit 6-14-13</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.*