

Legislative Analysis



EXEMPT SERVICE CONSOLIDATION FROM COLLECTIVE BARGAINING

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

House Bill 4777

Sponsor: Rep. Paul Opsommer

Committee: Local, Intergovernmental, and Regional Affairs

Complete to 6-20-11

A SUMMARY OF HOUSE BILL 4777 AS INTRODUCED 6-16-11

House Bill 4777 would amend the Public Employment Relations Act (MCL 423.215) to make the decision to consolidate services with other public employers a "prohibited subject" for collective bargaining.

Now under the law, certain topics cannot be negotiated during collective bargaining, because they remain entirely within the authority of managers to decide. These topics are customarily referred to as "prohibited subjects." The topics that are prohibited under the law may not be discussed at the bargaining table, at the risk of being charged with an unfair labor practice. House Bill 4777 would expand the "prohibited subjects" list to add the consolidation of public services.

Specifically under the bill, public employers and public employees would be prohibited from negotiating "a public employer's decision to consolidate public employers or public services through a merger or inter-local agreement, as permitted by law." Under the bill, they would also be prohibited from negotiating "a public employer's decision to re-negotiate an existing, applicable bargaining agreement upon a consolidation." Instead, these decisions would "be solely at the discretion of the public employer," and would be prohibited subjects of bargaining under the act.

Further, House Bill 4777 specifies that "each collective bargaining agreement entered into between a public employer and public employees under this act after the effective date of this amendatory act, shall include a provision permitting the public employer to re-negotiate an existing bargaining agreement as to affected public employees upon consolidation of public employers or public services through merger or inter-local agreement, as permitted by law."

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: J. Hunault

Fiscal Analyst: Mark Wolf

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