

Prohibit Collection of Union Dues by a Public School Employer

House Bill 4929 (Haveman, R-Holland) and Senate Bill 636 (Meekhof, R-West Olive) would amend the Public Employment Relations Act (PERA) to prohibit the collection of union dues by a public school employer. Specifically, the bill says that a public school employer's use of public school resources to assist a labor organization in collecting dues or service fees from wages of public school employees is a prohibited contribution to the administration of a labor organization.

The bill specifies that if a collective *bargaining agreement* requiring the collection of dues or service fees is in effect on the bill's effective date, this prohibition would not go into effect until that agreement expires, or is terminated, extended, or renewed.

House Bill 4929 was introduced on September 8, 2011, reported out of the House Oversight, Reform and Ethics Committee on September 13, passed the House on September 15, and now moves to the Senate. Senate Bill 636 is currently being considered by the Senate Committee on Reforms, Restructuring and Reinventing.

HOW DID YOUR REPRESENTATIVE VOTE? Check out our website at:
<http://www.aftmichigan.org/files/votingrecords11.pdf>

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Prohibit Use of Public Resources for Union or Political Activities

House Bill 4052 (Sub. H-1) (Pscholka, R-Stevensville) would amend the Public Employment Relations Act (PERA) to *prohibit* a public employee or bargaining representative from *using public resources* for (1) political activities, (2) campaigning for office of a bargaining representative, (3) bargaining representative organizing activities, or (4) solicitation of employees for membership in a collective bargaining organization. **Public resources include:** funds; personnel; office space; computer hardware or software; an electronic mail system; property; stationery; postage; vehicles; equipment; supplies; or other assets.

Political activities include: activities performed on behalf of a candidate or issues in connection with a partisan or nonpartisan election or activities that involve a direct or indirect communication with an official in the executive or legislative branch of state government that is reasonably intended to influence administrative or legislative action.

The bill states that prohibition *would not limit* the right of a public employee or collective bargaining organization from using, on the same terms as members of the general public, public property that is made available as a public forum.

House Bill 4052 specifies that an individual who violates these provisions is *guilty of a misdemeanor* punishable by *imprisonment* for not more than one year, a *fine of not more than \$1,000, or both*. If the violator is not an individual, the punishment is a *fine of not more than \$10,000*.

House Bill 4052 was reported out of the House Oversight, Reform, and Ethics Committee on September 20 and is currently on second reading before the full House.

Prohibit Domestic Partners Benefits

House Bill 4770 and House Bill 4771 (Substitute H-2)(Agema, R-Grandville) would prohibit public employers from including domestic partner benefits in their public employee compensation packages. This legislation would also make domestic partner benefits a prohibited subject in collective bargaining. These bills would pertain to all public employers including: *school districts, public school academies, intermediate school districts, community colleges, junior colleges, and institutions of higher education.*

House Bill 4770 would create the *Public Employee Domestic Partner Benefit Restriction Act*, which would prohibit a public employer from providing medical benefits or other fringe benefits for an individual currently residing in the same residence as an employee of the public employer who is not (1) married to the employee; (2) a dependent of the employee, as defined in the federal Internal Revenue Code; or (3) otherwise eligible to inherit from the employee under the laws of intestate succession in Michigan. The bill specifies that the requirements in this new act would *not apply until the collective bargaining agreement or other contract expires, or is amended, extended, or renewed.*

House Bill 4771(H-2) would amend the *Public Employment Relations Act* to make domestic partner benefits a prohibited subject during collective bargaining.

House Bills 4770 and 4771 passed the House on September 15, 2011, and now moves to the Senate.

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Senate Charter/Choice Expansion Package

Senate Republicans introduced seven bills that remove the university cap on charter schools; require school of choice; establish a new type of charter school called “Conversion Schools”; expand cyber schools; and expand dual enrollment. The Senate Education Committee has had several hearings on these bills. Listed below are the bill package highlights.

Charter School Expansion (SB 618 - Pavlov, R-St. Clair)

- ▶ *Deletes current numerical and geographical limits* for Public School Academies (PSAs), urban high school academies, and Schools of Excellence (SOEs).
- ▶ Allows PSA authorizers to enter into agreements with each other to authorize jointly.
- ▶ *Removes the current 150 cap* on university-authorized PSAs.
- ▶ Permits authorizers to allow PSAs to operate at *more than one site under one board.*
- ▶ Deletes requirements for a PSA or SOE to extend the *collective bargaining agreement that applies to other similarly classified employees in the district.*
- ▶ Exempts property of a PSA, urban high school academy, or SOE from *real and personal property taxes.*
- ▶ Requires enrollment at a PSA or an SOE authorized by a community college to be *open to all pupils in the State* meeting the admission policy.
- ▶ Requires a petition to be signed by *at least 5%, rather than 15%*, of the electors in a school district, in order to place the question of issuing a PSA or SOE contract on the local ballot.
- ▶ Allows the board of a school district to *contract for instructional services.*
- ▶ Removes *“Schools of Excellence”* graduation rate and conversion stipulations.

- ▶ Requires that a public school academy make information concerning the operation and management of the public school academy available to the public and the authorizing body.
- ▶ Empowers the superintendent of public instruction to suspend authorizers.

Cyber School Expansion (SB 619 - Colbeck, R-Canton Township)

- ▶ Deletes the current *limit of two* on the number of contracts that may be issued for cyber schools.
- ▶ Deletes the current requirement that cyber school pupils *must have been previously enrolled in public school* (must be available to all pupils in Michigan).
- ▶ Deletes requirement that cyber schools offer all of *grades K through 12* (offer any configuration or all grades K-12).
- ▶ Deletes the current restriction not to exceed the *initial enrollment of 400 students* and enrollment *not to exceed 1,000 pupils thereafter*.
- ▶ Deletes the current requirement that an entity applying for the contract demonstrates experience in **servicing urban and at risk students** through an educational model involving a significant cyber component.
- ▶ Deletes current requirements for enrollment of *dropouts* and maintenance of the *dropout ratio*.

Establishes Charter “Conversion Schools” (SB 620 - Robertson, R-Grand Blanc)

- ▶ To convert to a “Conversion School,” a petition requesting that a school be converted must be signed by either at least *51% of the teachers* or *51% of the parents at the school*.
- ▶ A “Conversion School” may include *any grade up to grade 12* or any configuration of those grades as long as it includes the grades offered before the conversion.
- ▶ If the local school board does not act to approve the application within 60 days, the applicant may submit an application to *another authorizing body*.
- ▶ *Authorizing bodies* include: Local School Boards; Intermediate School Boards, Community College Boards; State Public University Governing Boards; or two or more of the above mentioned agencies.
- ▶ If a conversion school is authorized by the local school district, the employees are school district employees but are *not subject to the applicable collective bargaining agreement*.
- ▶ If the “Conversion School” is authorized by another entity, then the employees are not school district employees and are *not covered by the applicable collective bargaining agreement with the school district*.

Public School Instruction to Nonpublic School Pupils (SB 621 - Hansen, R-Hart)

- ▶ Expands instruction of nonpublic school students to any school in their intermediate school district or any school located in an intermediate school *district that is contiguous to that intermediate school district*.
- ▶ Continues to limit instruction to *non-essential elective courses*.

Expanding Dual Enrollment at Community Colleges (SB 622 and SB 623 - Emmons, R-Sheridan)

- ▶ Removes the requirement that a student be in *at least grade 11* to participate in dual enrollment.

- ▶ Removes the requirement that a student *achieve a qualifying score in a subject area*, before being allowed to enroll in a course of that subject area at the postsecondary institution.
- ▶ Allows non-public school students to participate in dual enrollment with state aid.

Schools of Choice Expansion (SB 624 - Pavlov, R-St. Clair)

- ▶ All districts in Michigan participate in “Schools of Choice” and accept non-resident students *if the district determines it has the capacity*.
- ▶ A district shall *determine whether or not it has capacity* to accept enrollment of nonresident students.
- ▶ A district may *limit the number of nonresident pupils* it accepts in a grade, school, or program based on available capacity, but must maintain a waiting list.
- ▶ A pupil must be a *state resident*.
- ▶ A special education pupil is limited to choice within its intermediate district, unless the enrolling district or intermediate district has a *written agreement* with the resident district of the pupil for the purpose of providing the pupil with a free appropriate public education.

Waiver of School Bus Driver Qualifications

House Bill 4360 (Haines, R-Waterford), amends the Motor Carrier Safety Act and the rules promulgated under it to exclude school buses, except for the purpose of granting a diabetes-related waiver in accordance with Section 5 of the Pupil Transportation Act (which prescribes minimum qualifications for school bus drivers).

House Bill 4360 was presented to the Governor for his signature on September 20, 2011.

Defined Contribution Pension Plan

Senate Bill 593 (Jones, R-Grand Ledge) would amend the Public School Employees Retirement Act to create a *“Tier 3” defined contribution retirement plan* that employees *hired after July 1, 2011* would enter. The bill also permits “Tier 1” and “Tier 2” employees to opt into the “Tier 3” defined contribution plan.

The “Tier 3” plan would include a mandated 4% contribution by the employer, with an optional member contribution of up to 3% that employers must match. The *vesting schedule* would be 50% after two years, 75% after 3 years, and 100% after 4 years. After 10 years of service, members in the “Tier 3” plan would also continue to be eligible for *retiree health care benefits* as well as for *duty and non-duty disability*.

The bill has been referred to the Senate Appropriations Committee.

College Students’ Religion

Senate Bill 518 (Hunter, D-Detroit & Jansen, R-Grand Rapids), known as **“Julea Ward Freedom of Conscience Act,”** would prohibit discrimination against students for sincerely held religious beliefs. This bill **is currently before the Senate Education Committee.**

- ◆ All public or private degree or certificate granting colleges, universities, junior colleges, or community colleges would be prohibited from disciplining or discriminating against a student in a counseling, social work, or psychology program because the student refuses to counsel or serve a client as to goals that conflict with a sincerely held religious belief or moral conviction of the student, if the student refers the client to a counselor who will provide the counseling or services.
- ◆ A person who alleges a violation of this act may bring a civil action for appropriate injunctive relief; actual damages; or both within 90 days after the occurrence of the alleged violation of this act.

MSU and Wayne State Could See Appropriations Cuts

Representative Bob Genetski II (R-Saugatuck) has introduced a negative supplemental bill because Republican lawmakers contend that MSU and Wayne State University used a technical loophole to raise tuition more than what was allowed in the 2011-2012 Higher Education Budget. The universities factored in summer tuition rates to be able raise them higher than the 7.1 percent over the prior fall's rates.

Budget Director John Nixon found that the universities were technically in compliance by raising tuition the way they did, however, Representative Genetski said the members of the House Appropriations Higher Education Subcommittee felt the intent of the law was broken.

Under House Bill 4980, Michigan State University could lose \$18 million and Wayne State University could lose \$17 million in state funds. The bill also codifies language about which semesters may be used to calculate tuition. **House Bill 4980 is currently before the House Committee on Appropriations.**

Proposed Legislation of Interest Introduced between May 24 and September 26, 2011

Bill	Description	Status
SB 400	SCHOOL HEALTH INSURANCE - Requires school district to be policyholder for group insurance benefit provided for employees. <i>(Pavlov, R-St. Clair)</i>	HOUSE EDUCATION
SB 407	HEALTH SAVINGS ACCOUNTS - Amends the Health Care Funding Act to accommodate creation of individual health reimbursement accounts for public employees. <i>(Kahn, R-Saginaw)</i>	Senate Appropriations
SB 408	STATE EMPLOYEES HEALTH CARE - Provides option to remain in Tier 1 defined benefits system and make contributions and provides for health reimbursement account transfers in lieu of health coverage premiums for Tier 2 defined contribution participants. <i>(Kahn, R-Saginaw)</i>	Senate Appropriations
SB 426	SCHOOL ELECTIONS - Requires school elections to be held in November of even-numbered years. <i>(Colbeck, R-Canton)</i>	Senate Local Government & Elections
SB 427	SCHOOL ELECTIONS - Provides for technical amendments to Revised School Code concerning school board elections. <i>(Colbeck, R-Canton)</i>	Senate Local Government & Elections
SB 431	YOUTH EMPLOYMENT - Revises maximum number of hours a minor may work. <i>(Meekhof, R-West Olive)</i>	Senate Economic Development
SB 446	PUBLIC SCHOOL HEALTH INSURANCE - Clarifies and expands claims data provided to policyholder of school district's health insurance plans. <i>(Pavlov, R-St. Clair)</i>	PUBLIC ACT 93, 2011
SB 493 Sub. H-4	LOCAL GOVERNMENT CONSOLIDATION - Exempts decision by local governments to consolidate services from other public employees from collective bargaining. <i>(Meekhof, R-West Olive)</i>	Returned to Senate
SB 503	TEACHER TENURE - Modifies teacher tenure hearing and appeal process. <i>(Kahn, R-Saginaw)</i>	Senate Education
SB 518	COLLEGE STUDENT RELIGION - Prohibits discrimination against students for sincerely held religions beliefs. <i>(Hunter, D-Detroit)</i>	Senate Education
SB 575	BUSING SCHOOL CHILDREN - Allows public transit buses transporting school children to and from school to have warnings lights and stop signs. <i>(Walker, R-Traverse City)</i>	Senate Transportation

Bill	Description	Status
SB 576	BUSING SCHOOL CHILDREN - Requires drivers of vehicles approaching certain transit buses to stop if red lights are flashing. <i>(Walker, R- Traverse City)</i>	Senate Transportation
SB 593	PUBLIC SCHOOL BENEFITS - Provided for defined contribution plan for public school employees hired after July 1, 2011. <i>(Jones, R-Grand Ledge)</i>	Senate Appropriations
SB 608	SCHOOL BUSES - Requires assistant to be present on special needs school buses. <i>(Hood, D - Detroit)</i>	Senate Transportation
SB 618	CHARTER SCHOOLS - Provides revisions to provisions concerning formation, operation, and termination of public school academies, urban high school academies, and schools of excellence and allows school districts to contract with outside entity for teachers. <i>(Pavlov, R-St. Clair)</i>	Senate Education
SB 619	CYBER SCHOOLS - Repeals certain requirements and limitations on authorizing cyber schools. <i>(Colbeck, R-Canton)</i>	Senate Education
SB 620	CONVERSION SCHOOLS - Provides for conversion charter schools. <i>(Robertson, R-Grand Blanc)</i>	Senate Education
SB 621	NONPUBLIC SCHOOL STUDENTS - Revises the conditions under which a public school provides instruction to nonpublic school students. <i>(Hansen, R-Hart)</i>	Senate Education
SB 622	DUAL ENROLLMENT - Expands dual enrollment eligibility in Postsecondary Options Act. <i>(Emmons, R-Sheridan)</i>	Senate Education
SB 623	DUAL ENROLLMENT - Expands dual enrollment eligibility under Career and Technical Preparation Act. <i>(Emmons, R-Sheridan)</i>	Senate Education
SB 624	SCHOOLS OF CHOICE - Removes geographic requirements for schools of choice and requires districts to participate based on available space. <i>(Pavlov, R-St. Clair)</i>	Senate Education
SB 636	UNION DUES - Prohibits payroll deduction of union dues by public school employer. <i>(Meekhof, R-West Olive)</i>	Senate Reforms, Restructuring, & Reinventing
SB 637	PLEDGE OF ALLEGIANCE - Mandates public school students to recite the "Pledge of Allegiance." <i>(Kahn, R-Saginaw)</i>	Senate Education
SB 647	FINANCIAL LITERACY - Requires half credit of financial literacy as part of math credit required for Michigan Merit Curriculum. <i>(Hunter, D-Detroit)</i>	House Education
SB 691	EXPELLED STUDENTS - Revises funding for pupils enrolled in strict discipline academies or alternative education programs for expelled pupils after count day. <i>(Hildenbrand, R-Lowell)</i>	House Appropriations
HJRDD	PART-TIME LEGISLATURE - Provides for part-time legislature, reduction of legislative salaries and budget deadline. <i>(Farrington, R-Utica)</i>	House Government Operations
HJRFF	STATE LAW EXEMPTIONS - Provides exemption from certain state laws for certain school districts. <i>(Bledsoe, D-Grosse Pointe)</i>	House Government Operations
HB 4671	SCHOOL ADMINISTRATOR CERTIFICATE - Revises standards for school administrator certificate; prohibits district superintendent salary from exceeding that of the state superintendent of public instruction. <i>(Heise, R-Plymouth)</i>	House Education
HB 4690	TEACHER TENURE - Eliminates the Teacher Tenure Commission and has Board of Education perform functions. <i>(Heise, R-Plymouth)</i>	House Education
HB 4692	BUS TRANSPORTATION - Allows school district option to charge a fee for bus transportation. <i>(Heise, R-Plymouth)</i>	House Education

Bill	Description	Status
HB 4693	HEALTH CARE COMPACT - Provides for a interstate health care compact. <i>(McMillin, R-Rochester Hills)</i>	House Health Policy
HB 4696	TEACHING CERTIFICATES - Modifies interim teaching certificates for participants in alternative teaching programs. <i>(Melton, D-Auburn Hills)</i>	House Education
HB 4700	GROUP INSURANCE - Requires school districts to be policy holder for group insurance benefit provided for employees. <i>(Shaughnessy, R-Grand Ledge)</i>	PUBLIC ACT 95, 2011
HB 4705	INCARCERATED PUPILS - Allows schools to exclude information about incarcerated pupils from accreditation data and annual education reports. <i>(Genetski, R-Saugatuck)</i>	House Education
HB 4727	YOUTH WORKER - Provides for waiver of work permit for minor performing work as unpaid volunteer for an agricultural fair or exhibition. <i>(Goike, R-Ray Township)</i>	PUBLIC ACT 80, 2011
HB 4729	PHYSICAL EDUCATION - Allows students participating in high school sanctioned sports to receive physical education credit. <i>(Genetski, R-Saugatuck)</i>	House Education
HB 4732	MINOR LABOR - Increases maximum number of hours a minor may work. <i>(Stamas, R-Midland)</i>	House Floor
HB 4738	SCHOOL FUNDS - Prohibits school districts from using school funds to purchase alcoholic beverages, jewelry, gifts, fees for golf, or any illegal items. <i>(Knollenberg, R-Troy)</i>	House Education
HB 4752	SCHOOL EMPLOYEE HEALTH INSURANCE - Clarify claims data provided to policy holder of school district's health insurance plans. <i>(Shaughnessy, R-Grand Ledge)</i>	SENATE EDUCATION
HB 4770	COLLECTIVE BARGAINING - Prohibits public employers from providing medical benefits for domestic partners. <i>(Agema, R-Grandville)</i>	SENATE REFORMS, RESTRUCTURING, & REINVENTING
HB 4771 Sub. H-2	COLLECTIVE BARGAINING - Makes domestic partner benefits a prohibited subject of collective bargaining. <i>(Agema, R-Grandville)</i>	SENATE REFORMS, RESTRUCTURING, & REINVENTING
HB 4777	CONSOLIDATION - Exempts the decision to consolidate services with other public employers from the collective bargaining requirements. <i>(Opsommer, R-DeWitt)</i>	Second Reading in House
HB 4796	PERFORMANCE EVALUATION - Provides standards for employee performance evaluations. <i>(Melton, D-Auburn Hills)</i>	House Education
HB 4800	I.S.D. PROPERTY TAX - Modifies timing and manner for submitting regional enhancement property tax questions to the intermediate school electors in certain large intermediate school districts. <i>(Walsh, R-Livonia)</i>	House Redistricting and Elections
HB 4807	SEX EDUCATION - Provides for age appropriate, medically accurate and objective sexuality education. <i>(Irwin, D-Ann Arbor)</i>	House Health Policy
HB 4869	POLITICAL ACTIVITIES - Requires adoption of local policy concerning political activities by employees that includes prohibiting use of school resources or students for lobbying. <i>(Horn, R-Frankenmuth)</i>	House Oversight, Reform and Ethics
HB 4876	SCHOOL ATTENDANCE - Revises penalties for noncompliance of parental enforcement of compulsory school attendance. <i>(Cotter, R-Mt. Pleasant)</i>	House Education Re-referred to Government Operations
HB 4877	EARNED INCOME TAX CREDIT - Modifies the earned income tax credit eligibility. <i>(Scott, R-Grand Blanc)</i>	House Education Re-referred to Government Operations

Bill	Description	Status
HB 4878	SCHOOL ATTENDANCE - Requires services of financial assistance eligibility for individuals with school-aged children to be based on child's school attendance. <i>(Shaughnessy, R-Grand Ledge)</i>	House Education Re-referred to Government Operations
HB 4879	LABOR RULES - Creates privilege for information obtained by agent of a labor organization in course of representing union member. <i>(LeBlanc, D-Westland)</i>	House Judiciary
HB 4884	EMERGENCY MANAGER - Expands powers and duties of emergency managers. <i>(Jackson, D-Detroit)</i>	House Local, Intergovernmental and Regional Affairs
HB 4929	COLLECTION OF UNION - Prohibits payroll deduction of union dues by public school employer. <i>(Haveman, R-Holland)</i>	SENATE REFORMS, RESTRUCTURING, & REINVENTING
HB 4902	CLASSROOM ASSIGNMENTS - Requires public schools to comply with parent requests for classroom assignment of multiple birth siblings. <i>(Townsend, D-Royal Oak)</i>	House Education
HB 4903	PRINCIPAL RESIDENCE EXEMPTION - Provide for prorated principal residence exemption if filed after May 1. <i>(Townsend, D-Royal Oak)</i>	House Tax Policy
HB 4934	PLEDGE OF ALLEGIANCE - Require opportunity for students to recite the "Pledge of Allegiance" in public schools each school day. <i>(Cotter, R-Mt. Pleasant)</i>	House Education
HB 4980	UNIVERSITY APPROPRIATIONS - Provides for negative supplemental appropriation for higher education. <i>(Genetski, R-Saugatuck)</i>	House Appropriations
HB 4984	SCHOOL SUPPLIES - Provides for credit for expenditures by public school teachers for certain supplies. <i>(Irwin, D-Ann Arbor)</i>	House Tax Policy
HB 5000	UNIVERSITY COMMISSION - Creates commission to assess governance structure of state university system. <i>(Genetski, R-Saugatuck)</i>	House Government Operations
HB 5001	INCOME TAX CHECK OFF - Provides check-off option for Detroit College Promise Fund. <i>(Nathan, D-Detroit)</i>	House Tax Policy
HB 5002	WORKER'S COMPENSATION - Modifies a disability and conditions on compensation for covered injuries. <i>(Jacobsen, R-Oxford)</i>	House Commerce
HB 5003	INCOME TAX - Eliminates cap on deductions of private pensions under certain conditions. <i>(Geiss, D-Taylor)</i>	House Tax Policy
HB 5004	SALES TAX - Provides for collection of tax on internet sales. <i>(Kowall, R-White Lake)</i>	House Tax Policy
HB 5005	USE TAX - Provides for collection of tax on internet sales. <i>(Ananich, D-Flint)</i>	House Tax Policy
HB 5006	SCHOOL AID - Provides for counting membership based on 50 percent current year count day and 50 percent prior year supplemental count day. <i>(Rutledge, D-Ypsilanti)</i>	House Appropriations

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