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**MICHIGAN ASSOCIATION OF COUNTIES  
(MAC)**

**COLLECTIVE BARGAINING**  
**Changes in Labor Law and**  
**Key Components to Negotiating a Good Contract**

**October 2, 2023**  
**Kalamazoo, MI**

**Bonnie G. Toskey**  
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## **I. Changes in Labor Laws Affecting Collective Bargaining**

### **A. PA 54 of 2011 repealed (Attachment A)**

Public Act 54 of 2011 prohibited local units of government—including counties—from doing the following:

1. Increasing the County's contribution to employee healthcare benefits. Employees paid any increased cost of maintaining health, dental, vision and prescription insurance benefits that occurred after the contract expiration date.
2. Providing step or general wage increases after the expiration date of the collective bargaining agreement until a successor collective bargaining agreement is in place.
3. Providing retroactive wage or benefit increases when a successor collective bargaining agreement is negotiated.

### **B. PA 348 of 2012 – Right to Work repealed – (Attachment B)**

But note landmark U.S. Supreme Court case, *Janus v AFSCME*, 138 S Ct 2448 (2018), ruled that agency-shop agreements compelling public employees to subsidize union activity is a violation of the First Amendment so effective, the requirements of Right to Work remain applicable.

## **II. The Key Components to Negotiating a Good Contract**

### **A. Review the existing Collective Bargaining Agreement:**

- Review all grievances filed during the life of the Agreement to identify problem provisions/wording.
- Review Arbitration Awards issued during the life of the Agreement.
- Review Letters of Understanding negotiated during the life of the Agreement.

### **B. Get input from front-line supervisors regarding day-to-day problems and suggestions for operational and contract language changes.**

### **C. Review Employer proposals from prior negotiation sessions that were rejected for relevance.**

### **D. Prepare data from comparable employers' agreements.**

- External comparables using ability to pay based on taxable value – +/-20-25% (**Attachment C**)  
<https://www.michigan.gov/taxes/property/reports/ad-valorem-property-tax-levy-reports>
- Internal Union contracts wages and benefits.
- Develop maximum wage rate exhibits to identify your relative strength or weakness. Highlight collective bargaining agreements with same Union (examples attached – **Attachment D**).

- E. Draft tentative proposals using actual contract language not concepts.
- F. Meet with Board of Commissioners in closed session to review comparability findings and recommendations for proposals including economic proposals. Secure Board input and approval of proposals with approval for maximum authority at bargaining table on each issue.
- G. Prioritize Proposals – What does the Board of Commissioners view as highest priority, etc. This is critical and should be used as your measuring stick/barometer for how much success is achieved during bargaining and during Board ratification of what was actually TA'd.
- H. Determine who will be on Negotiation Team, and who will serve as spokesperson or “Chief Negotiator” and who will serve as documentarian.
- I. Negotiation Dates and Times –
  - Schedule two or three dates max – Union employee negotiators are normally paid by the Employer for bargaining (not always) so they have little incentive to get a contract quickly.
- J. Request Union Proposals – MERC and PERA places burden on Union to submit “demand to bargain” and proposals to start the bargaining process.
- K. Use introductions – Shake hands. Be ceremonial.
  - Establish Ground Rules including requirement for ratification. **(Attachment E)**
- L. Respond to Union Proposals with a request that the Union prioritize its proposals with most important, etc.
- M. Use caucus at will.
- N. Do not respond to Union Proposals with Employer Proposals. Instead, use an “Employer Package Offer” that expires if not TA'd by the end of the negotiation session the same day. **(Attachment F)**
  - 1) Incorporate all of the Union’s Proposals with agreement/acceptance or counter or reject so no Union Proposal is left in limbo.
  - 2) Walk through the Employer’s Package – Present the Employer’s Proposals as solutions for problems. Do not initially include maximum authority available for wages and benefits – leave room for Employer’s second package/counter to increase or improve Employer counter-proposals.
  - 3) Include in Package Proposal that “The Union agrees to execute a written agreement prepared by the Employer that includes all agreements reached.”
- O. Place dates and signatures or initials on every page of Tentative Agreements (TAs).

- P. MERC caselaw requires ratification by each party within 30 days of the TA.
- Q. Use MERC Mediation sooner – No charge.
- R. Non-binding Fact Finding is a mandatory step in non-312 units.
- S. Impasse – Unilateral implementation following Notice of Last Best Offer to Union.
- T. Open Meetings Act – Closed session available for bargaining sessions themselves and to discuss strategy and updates on bargaining progress. (**Attachment G** - MCL 15.268(c).)
- U. Mandatory Subjects of Bargaining.
  - Wages
  - Health Insurance
  - Benefits
  - HoursSee pending legislation (HB 4688, **Attachment H**) regarding addition of minimum staffing as a mandatory subject of bargaining.
- V. Non-Mandatory Subjects of Bargaining.
  - Budget
  - Decision re: layoffs
  - Policy – prioritizing services
- W. Mutual Requirement to Bargain in Good Faith
  - Stalling
  - Unwillingness to discuss or consider certain issues
  - Blatant refusal to negotiate issues
  - By-passing the Union’s appointed or elected representatives (but can distribute factual information regarding Employer offers that have been rejected)
  - Expressing anti-union animus
- X. Employer requirement to provide information to the Union which has a bearing on the issues raised in bargaining. Examples:
  - Budget
  - Audit
  - MERS Actuarial Report
  - Insurance contracts
  - Overtime worked

**PUBLIC EMPLOYMENT RELATIONS (EXCERPT)**  
Act 336 of 1947

**\*\*\*\*\* 423.215b THIS SECTION IS REPEALED BY ACT 113 OF 2023 EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2023 REGULAR SESSION SINE DIE \*\*\*\*\***

**423.215b Expiration date of collective bargaining agreement; wages and benefits; levels and amounts; retroactive levels and amounts prohibited; provisions applicable to labor disputes submitted to compulsory arbitration; definitions.**

Sec. 15b. (1) Except as otherwise provided in this section, after the expiration date of a collective bargaining agreement and until a successor collective bargaining agreement is in place, a public employer shall pay and provide wages and benefits at levels and amounts that are no greater than those in effect on the expiration date of the collective bargaining agreement. The prohibition in this subsection includes increases that would result from wage step increases. Employees who receive health, dental, vision, prescription, or other insurance benefits under a collective bargaining agreement shall bear any increased costs of maintaining those benefits that occur after the expiration date. The public employer may make payroll deductions necessary to pay the increased costs of maintaining those benefits.

(2) Except as provided in subsection (3) or (4), the parties to a collective bargaining agreement shall not agree to, and an arbitration panel shall not order, any retroactive wage or benefit levels or amounts that are greater than those in effect on the expiration date of the collective bargaining agreement.

(3) For a collective bargaining agreement that expired before June 8, 2011, the requirements of this section apply to limit wages and benefits to the levels and amounts in effect on June 8, 2011.

(4) All of the following apply to a public employee eligible to submit labor disputes to compulsory arbitration under 1969 PA 312, MCL 423.231 to 423.247:

(a) Subsection (1) does not prohibit wage or benefit increases, including step increases, expressly authorized under the expired collective bargaining agreement.

(b) The increase in employee costs for maintaining health, dental, vision, prescription, or other insurance benefits after the collective bargaining contract expiration date that the employee is required to bear under subsection (1) shall not cause the total employee costs for those benefits to exceed the amount of the employee's share under the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.561 to 15.269. If the public employer is exempt from the limitations of that act, the total employee costs for those benefits shall not exceed the higher of the minimum required employee share under section 3 or 4 of the publicly funded health insurance contribution act, 2011 PA 152, MCL 15.563 and 15.264, calculated as if the public employer were subject to that act.

(c) Subsection (2) does not prohibit retroactive application of a wage or benefit increase if the increase is awarded in the decision of the arbitration panel under 1969 PA 312, MCL 423.231 to 423.247, or included in a negotiated bargaining agreement.

(5) As used in this section:

(a) "Expiration date" means the expiration date set forth in a collective bargaining agreement without regard to any agreement of the parties to extend or honor the collective bargaining agreement during pending negotiations for a successor collective bargaining agreement.

(b) "Increased costs" in regard to insurance benefits means the difference in premiums or illustrated rates between the prior year and the current coverage year. The difference shall be calculated based on changes in costs by category of coverage and not on changes in individual employee marital or dependent status.

**History:** Add. 2011, Act 54, Imd. Eff. June 8, 2011;—Am. 2014, Act 322, Imd. Eff. Oct. 15, 2014.

**Compiler's note:** In subsection (4)(b), the reference to "15.269" evidently should be a reference to "15.569." In subsection (4)(b), the reference to "15.264" evidently should be a reference to "15.564."

**Popular name:** Public Employment Relations



## Legislative Analysis

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### REPEAL PRIVATE SECTOR RIGHT-TO-WORK LAW

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

Senate Bill 34 (S-1) as passed by the Senate

Sponsor: Sen. Darrin Camilleri

House Committee: Labor

Senate Committee: Labor

Complete to 3-21-23

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

### SUMMARY:

Senate Bill 0034 would amend 1939 PA 176, the labor mediation act, to remove provisions added in 2012 commonly known as the “Right to Work” legislation pertaining to private sector employees. Right-to-work laws generally provide that an employee cannot be legally compelled to pay dues to a union in order to be covered under their workplace’s collective bargaining agreement.

**Currently**, the act prohibits an individual from being required to do any of the following to obtain or continue employment:

- Refrain from or resign from membership in, affiliation with, or financial support of a labor organization.
- Become or remain a member of a labor organization.
- Pay any dues, fees, or other charges to a labor organization.
- Pay a charitable organization or another third party an amount of money equivalent to dues, fees, or other charges that are required to be represented by a labor organization.

Violations are punishable by a civil fine of up to \$500, and individuals harmed by a real or threatened violation can bring a civil action for damages or injunctive relief, or both.

Additionally, employees and other persons<sup>1</sup> cannot use force, intimidation, or threats to compel a person to do any of the following, punishable by a civil fine of up to \$500:

- Become or remain a member of a labor organization.
- Affiliate with or financially support a labor organization.
- Refrain from engaging in employment, joining a labor organization, affiliating with a labor organization, or financially supporting a labor organization.
- Pay a charitable organization or another third party an amount of money equivalent to dues, fees, or other charges that are required to be represented by a labor organization.

**The bill** would remove the first set of provisions described above (pertaining to prohibited requirements for obtaining or continuing employment), as well as language declaring that it is in the best interest of the people of Michigan to protect the right to work.

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<sup>1</sup> The act defines *person* as including an individual, partnership, association, corporation, business trust, labor organization, or any other private entity.

The bill would amend the second set of provisions to prohibit employees and other persons from using force, intimidation, or threats to compel a person to do the following:

- Become or remain a member of a labor organization.
- Affiliate with or financially support a labor organization.
- Refrain from joining a labor organization, affiliating with a labor organization, or financially supporting a labor organization.

This list would no longer include refraining from engaging in employment or making a payment to a charitable organization or other third party, and the \$500 maximum fine would be removed. However, the bill would not provide any other penalties or sanctions for violating the above prohibitions.

The bill would add a new provision stating that an employer and a labor organization may enter into a collective bargaining agreement that requires all employees represented by the labor organization to share fairly in the organization's financial support. Neither the labor mediation act nor any local laws or policies could prohibit or limit any agreement that requires employees to pay dues or service fees to the labor organization as a condition of employment.

The bill would appropriate \$1.0 million to the Department of Labor and Economic Opportunity (LEO) for the 2023-24 fiscal year to do all of the following:

- Respond to public inquiries regarding the changes made to the labor mediation act by the bill.
- Provide the LEO Employment Relations Commission with sufficient staff and other resources for implementation of the bill.
- Inform public employers, public employees, and bargaining representatives about changes to their rights and responsibilities.
- Any other purpose that the director of LEO determines is necessary for implementation of the bill.

(This appropriation would have the effect of making the bill immune from referendum under section 9 of Article II of the state constitution.)

Finally, the definition of "employer" would be amended to no longer exclude entities subject to 1947 PA 336, the public employment relations act (PERA).

MCL 423.1 et seq

## **BACKGROUND AND BRIEF DISCUSSION:**

In 2012, Michigan became the twenty-fourth state to enact right-to-work legislation with the passage of 2012 PA 348 and 2012 PA 349, which prohibited mandatory union fees for private and public employees, respectively. Senate Bill 0034 would reverse the changes made to the labor mediation act by 2012 PA 348.



Opponents of right-to-work laws argue that the laws create a free-rider problem and the resulting financial impact on unions has reduced their ability to provide services, while supporters of right-to-work laws argue that they foster economic growth and job creation while allowing employees to opt out of supporting unions that do not align with their interests.

Twenty-seven states and Guam have adopted right-to-work laws, the most recent being Kentucky in 2017.<sup>2</sup>

## **FISCAL IMPACT:**

Senate Bill 34 would have an indeterminate fiscal impact on the state and on local units of government. Violations that currently result in civil fines would result in misdemeanor convictions under the bill. The number of misdemeanor convictions that would result is not known. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

It is not possible to quantify what other fiscal impact, if any, the main provisions of the bill would have on state and local government.

The bill would appropriate \$1.0 million to the Department of Labor and Economic Opportunity in FY 2023-24 for certain administrative responsibilities.

Legislative Analyst: Holly Kuhn  
Fiscal Analysts: Ben Gielczyk  
Robin Risko

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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.

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<sup>2</sup> [https://ballotpedia.org/Right-to-work\\_laws](https://ballotpedia.org/Right-to-work_laws).



Act No. 8  
Public Acts of 2023  
Approved by the Governor  
March 24, 2023  
Filed with the Secretary of State  
March 24, 2023

**EFFECTIVE DATE: Sine Die**  
(91st day after final adjournment of the 2023 Regular Session)

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

Introduced by Senators Camilleri, Brinks, Moss, Hertel, McDonald Rivet, Singh, McMorrow, Geiss, Cherry, Bayer, Chang, Irwin, Shink, Wojno, McCann, Polehanki, Klinefelt, Santana, Cavanagh and Anthony

**ENROLLED SENATE BILL No. 34**

AN ACT to amend 1939 PA 176, entitled "An act to create a commission relative to labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; to make appropriations; and to prescribe means of enforcement and penalties for violations of this act," by amending sections 1, 2, 14, and 17 (MCL 423.1, 423.2, 423.14, and 423.17), as amended by 2012 PA 348.

*The People of the State of Michigan enact:*

Sec. 1. It is hereby declared as the public policy of this state that the best interests of the people of the state are served by preventing or promptly settling labor disputes; that strikes and lockouts and other forms of industrial strife, regardless of where the merits of the controversy lie, are forces productive ultimately of economic waste; that the interests and rights of the consumers and the people of the state, while not direct parties thereto, should always be considered, respected and protected; and that the voluntary mediation of such disputes under the guidance and supervision of a governmental agency will tend to promote permanent industrial peace and the health, welfare, comfort and safety of the people of the state.

Sec. 2. As used in this act:

(a) "Company union" includes any employee association, committee, agency, or representation plan, formed or existing for the purpose, in whole or in part, of dealing with employers concerning grievances or terms and conditions of employment, which in any manner or to any extent, and by any form of participation, interference, or assistance, financial or otherwise, either in its organization, operation, or administration, is dominated or controlled, sponsored or supervised, maintained, directed, or financed by the employer.

(b) "Dispute" and "labor dispute" include, but are not limited to, any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of employees in negotiating, fixing, maintaining, or changing terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(c) "Commission" means the employment relations commission created by section 3.

(d) "Person" includes an individual, partnership, association, corporation, business trust, labor organization, or any other private entity.

(e) "Employee" includes any employee, and is not limited to the employees of a particular employer, unless this act explicitly provides otherwise, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any act that is illegal under this act, and who has not obtained any other regular and substantially equivalent employment, but does not include any individual employed as an agricultural laborer, or in the domestic service of any family or any person at the person's home, or any individual employed by the person's parent or spouse, or any individual employed as an executive or supervisor, or any individual employed by an employer subject to the railway labor act, 45 USC 151 to 188, or by any other person who is not an employer.

(f) "Employer" means a person and includes any person acting as an agent of an employer, but does not include the United States or any corporation wholly owned by the United States; any federal reserve bank; any employer subject to the railway labor act, 45 USC 151 to 188; this state or a political subdivision of this state; or any labor organization, or anyone acting in the capacity of officer or agent of a labor organization, other than when acting as an employer.

(g) "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Sec. 14. (1) An employer and a labor organization may enter into a collective bargaining agreement that requires all employees in the bargaining unit to share fairly in the financial support of the labor organization. This act does not, and a law or policy of a local government must not, prohibit or limit an agreement that requires all bargaining unit employees, as a condition of continued employment, to pay to the labor organization membership dues or service fees.

(2) For fiscal year 2022-2023, \$1,000,000.00 is appropriated to the department of labor and economic opportunity to be expended to do all of the following regarding the 2023 amendatory act that added this sentence:

(a) Respond to public inquiries regarding the amendatory act.

(b) Provide the commission with sufficient staff and other resources to implement the amendatory act.

(c) Inform employers, employees, and labor organizations about changes to their rights and responsibilities under the amendatory act.

(d) Any other purposes that the director of the department of labor and economic opportunity determines in the director's sole discretion are necessary to implement the amendatory act.

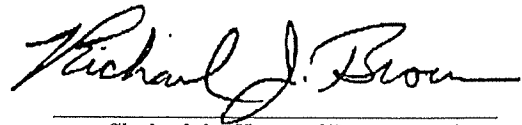
Sec. 17. A person shall not by force, intimidation, or unlawful threats compel or attempt to compel any person to do any of the following:

(a) Become or remain a member of a labor organization or otherwise affiliate with or financially support a labor organization.

(b) Refrain from joining a labor organization or otherwise affiliating with or financially supporting a labor organization.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor

**ATTACHMENT C**

<u>Population Est.-2022</u>	<u>County</u>		<u>Taxable Value-2022</u>	<u>County</u>
1,757,043	Wayne County, Michigan		69,645,264,171	Oakland
1,269,431	Oakland County, Michigan		48,166,816,697	Wayne
874,195	Macomb County, Michigan		32,856,276,082	Macomb
659,083	Kent County, Michigan		28,418,785,125	Kent
401,983	Genesee County, Michigan		20,256,186,456	Washtenaw
366,376	Washtenaw County, Michigan		13,978,568,454	Ottawa
300,873	Ottawa County, Michigan		11,143,607,810	Genesee
284,108	Ingham County, Michigan		10,846,456,747	Livingston
261,173	Kalamazoo County, Michigan		10,010,843,549	Kalamazoo
196,161	Livingston County, Michigan		9,259,401,126	Ingham
188,330	Saginaw County, Michigan		8,883,383,085	Berrien
176,565	Muskegon County, Michigan		7,058,438,068	Saint Clair
160,151	St. Clair County, Michigan		6,791,188,744	Monroe
160,066	Jackson County, Michigan		6,383,535,930	Grand Traverse
155,609	Monroe County, Michigan		5,832,190,589	Allegan
152,900	Berrien County, Michigan		5,768,836,229	Saginaw
133,289	Calhoun County, Michigan		5,307,848,140	Muskegon
121,210	Allegan County, Michigan		5,276,363,423	Jackson
108,992	Eaton County, Michigan		4,208,049,024	Eaton
102,821	Bay County, Michigan		4,056,534,214	Calhoun
98,567	Lenawee County, Michigan		3,948,468,975	Lenawee
96,464	Grand Traverse County, Michigan		3,768,842,053	Midland
88,780	Lapeer County, Michigan		3,692,523,309	Van Buren
83,674	Midland County, Michigan		3,504,017,287	Lapeer
79,748	Clinton County, Michigan		3,474,577,016	Emmet
75,692	Van Buren County, Michigan		3,348,980,696	Clinton
68,022	Shiawassee County, Michigan		3,317,449,286	Leelanau
67,433	Montcalm County, Michigan		3,133,133,979	Bay
66,809	Ionia County, Michigan		3,038,542,984	Marquette
66,661	Marquette County, Michigan		2,618,481,196	Barry
64,447	Isabella County, Michigan		2,590,930,742	Cass
63,554	Barry County, Michigan		2,577,121,003	Huron
60,874	St. Joseph County, Michigan		2,522,032,947	Charlevoix
52,945	Tuscola County, Michigan		2,383,091,657	Isabella
51,403	Cass County, Michigan		2,300,525,622	Saint Joseph
50,886	Newaygo County, Michigan		2,243,856,807	Shiawassee
45,762	Hillsdale County, Michigan		2,216,914,903	Antrim
44,531	Branch County, Michigan		2,198,064,838	Montcalm
41,100	Gratiot County, Michigan		2,159,764,641	Mason
40,720	Mecosta County, Michigan		2,099,330,650	Tuscola
40,657	Sanilac County, Michigan		1,934,747,880	Ionia
37,035	Houghton County, Michigan		1,804,226,953	Newaygo
36,741	Delta County, Michigan		1,760,771,827	Sanilac
36,293	Chippewa County, Michigan		1,681,648,172	Gratiot
34,196	Wexford County, Michigan		1,673,497,644	Branch
34,163	Emmet County, Michigan		1,669,000,789	Hillsdale
31,352	Clare County, Michigan		1,627,469,207	Cheboygan
31,248	Huron County, Michigan		1,563,106,102	Mecosta
29,409	Mason County, Michigan		1,517,581,361	Benzie
28,847	Alpena County, Michigan		1,513,946,180	Roscommon
26,973	Oceana County, Michigan		1,441,146,322	Otsego

26,293	Charlevoix County, Michigan	1,375,149,007	Oceana
25,940	Cheboygan County, Michigan	1,331,961,448	Delta
25,874	Dickinson County, Michigan	1,290,885,361	Manistee
25,728	Gladwin County, Michigan	1,290,265,059	Iosco
25,644	Otsego County, Michigan	1,258,607,156	Chippewa
25,521	Iosco County, Michigan	1,245,008,036	Clare
25,287	Manistee County, Michigan	1,170,400,851	Mackinac
24,249	Antrim County, Michigan	1,141,221,480	Wexford
23,708	Roscommon County, Michigan	1,104,295,181	Gladwin
23,274	Osceola County, Michigan	1,070,386,165	Houghton
23,266	Menominee County, Michigan	1,038,783,551	Alpena
22,870	Leelanau County, Michigan	968,792,297	Dickinson
20,970	Ogemaw County, Michigan	966,198,374	Ogemaw
18,297	Benzie County, Michigan	939,225,651	Kalkaska
18,182	Kalkaska County, Michigan	883,906,338	Menominee
15,213	Missaukee County, Michigan	850,468,381	Osceola
15,089	Arenac County, Michigan	832,540,437	Alcona
14,319	Gogebic County, Michigan	774,053,818	Presque Isle
13,491	Crawford County, Michigan	730,446,892	Missaukee
13,361	Presque Isle County, Michigan	713,789,874	Crawford
12,594	Lake County, Michigan	675,455,109	Lake
11,622	Iron County, Michigan	645,464,816	Arenac
10,941	Mackinac County, Michigan	595,728,765	Gogebic
10,417	Alcona County, Michigan	584,049,597	Iron
9,569	Montmorency County, Michigan	540,155,437	Montmorency
8,807	Alger County, Michigan	434,526,012	Alger
8,404	Oscoda County, Michigan	434,232,977	Oscoda
8,277	Baraga County, Michigan	400,037,677	Schoolcraft
8,188	Schoolcraft County, Michigan	317,566,112	Baraga
5,863	Ontonagon County, Michigan	299,820,910	Ontonagon
5,330	Luce County, Michigan	202,848,845	Luce
2,180	Keweenaw County, Michigan	174,375,915	Keweenaw

The population data are from the 2022 Census Annual Estimates dataset.

<https://www.census.gov/programs-surveys/popest/data/data-sets.html>

Michigan Dept of Treasury

<https://www.michigan.gov/taxes/property/reports/ad-valorem-property-tax-levy-reports>



**██████████ COUNTY -AND- GOVERNMENTAL EMPLOYEES LABOR COUNCIL**

**MAXIMUM WAGE SCALES  
911 DISPATCHERS**

County	2022 Hourly Wage	2023 Hourly Wage
MACKINAC	<i>No union – pays Chippewa County for 911 service</i>	
WEXFORD	20.27	21.27
CLARE	21.00	22.05
GLADWIN	21.02	21.55
MECOSTA [1] (GELC)	21.54	22.71
BENZIE	21.63	22.06
ROSCOMMON	21.64	21.64
DICKINSON (POLC)	22.71	23.16
██████████ (GELC)	21.12	21.33
<b>Average</b>	<b>21.37</b>	<b>21.97</b>

[1] Mecosta County is part of the Meceola Consolidate Central Dispatch Authority

October 17, 2022

**2022 AND 2023 MAXIMUM WAGE SCALES  
DEPUTIES**

**COMPARING COUNTIES +/-25% THE TAXABLE  
VALUE OF ISABELLA'S**

(using +2% in 2023 as offered by Isabella County)

County	2022 Hourly Wage	2022 Annual Base Wage	2023 Hourly Wage	2023 Annual Base Wage
Isabella	\$30.53	\$63,495.50	\$31.14 (2% increase)	\$64,773.28
Ionia	\$29.29	\$60,923.20	\$29.88	\$62,150.40
Barry	\$28.31	\$58,884.80	\$28.88	\$60,070.40
Montcalm	\$28.21	\$58,679.54	\$29.06	\$60,437.87
Shiawassee	\$27.43	\$57,054.40	<i>In Negs</i>	<i>In Negs</i>
Antrim	\$26.96	\$56,076.80	\$27.77	\$57,761.00
Gratiot	\$26.51 (effective 10/1/2021)	\$55,140.80	\$26.91 (effective 10/1/2022)	\$55,972.80
Huron	\$25.50	\$53,044.00	<i>In Negs</i>	<i>In Negs</i>
Average	\$27.84	\$57,912.38	\$28.94	\$60,194.29
Isabella's 2022 rate is 9.7% higher than the 2022 average		Isabella's offer for 2023 is 7.6% above the 2023 average		



**Isabela County proposed  
GROUND RULES FOR NEGOTIATING**

1. The parties agree that no new issues shall be brought to the table by either party after the second (2<sup>nd</sup>) negotiation session.
2. The Chief Negotiator for each party shall possess the authority to reach a tentative agreement at the bargaining table.
3. The parties agree that all proposals and counter-proposals shall be required to be submitted in writing in the format and including the language as it would read in the contract.
4. The parties agree that upon reaching a tentative agreement on a proposal, each Chief Negotiator will initial and date the agreement on a document setting forth the agreed upon language.
5. The parties agree to submit the tentative agreements, once completed, to their respective parties for a formal ratification vote within thirty (30) days of the date of having reached such tentative agreement.
6. Each party agrees to inform the other of the outcome of all ratification votes within twenty-four (24) hours of such vote.
7. The parties agree that no more than one person shall speak on behalf of each party at any given time while at the negotiation table.
8. The parties agree that neither team shall make contact regarding bargaining issues with the opposing team's members away from the negotiation table.
9. The parties agree to give the opposing party at least forty-eight (48) hours advance notice of all submission of news releases to the media.
10. Resource persons may be brought to the bargaining table by either party with prior notification to the other party.
11. Days and hours of bargaining shall be mutually agreed-upon by both parties.
12. The members of the Union's negotiation team shall make arrangements with the Sheriff or Undersheriff for release time for dates agreed upon by the parties for collective bargaining negotiations.
13. The parties agree to caucus at will.

**██████████ COUNTY and INTERNATIONAL UNION  
OF OPERATING ENGINEERS LOCAL 324  
EMS BARGAINING UNIT**

**██████████ COUNTY'S PACKAGE COUNTER OFFER THROUGH THE MEDIATOR  
TO OPERATING ENGINEERS' COUNTER PROPOSAL  
OF SEPTEMBER 8, 2022, THROUGH MEDIATOR**

The Employer agrees that any tentative agreement is subject to ratification by both parties.

The is a package offer which may not be accepted in part.

September 12, 2022

**Package Offer**

1. If this package is accepted the Employer will rescind the Mandatory Overtime Policy as written on August 30, 2021.
2. The Union withdraws all pending ULPs and Grievances regarding mandatory overtime assignments.
3. Article V – CHECK OFF  
Section B add – “The Employer shall be provided in writing with the name and contact information (telephone and email) of the employee designated by the Union as the Financial Secretary of the Local Union.”
4. Article VII – The Employer accepts subject to:  
Change Section A to article status entitled “PROBATION”.  
In third Paragraph insert “on the job” between 240 and work-hour period.
5. Article VIII, “SENIORITY”.
  - A. Seniority Accrual Date.
  - B. Seniority (Lay-Off, Recall, Demotion)
  - C. Seniority Loss.
  - D. Bargaining Unit Seniority Frozen
  - E. Seniority List.
6. Article IX – Accept but add “UNION VISITATION”.
7. Article X – Accept but add “UNION OFFICERS AND STEWARDS”.
  - F. Add – “The Union shall provide in writing the names and contact information (telephone and email) of all Stewards and officers including the Financial Secretary referred to in Article V, Section B.
8. Article XI – GRIEVANCE PROCEDURE. Employer accepts.

9. Article XIII – DISCIPLINE AND DISCHARGE. Section F:  
 Insert/add (1) in front of “Any disciplinary...”  
 Insert/add (2) in front of second sentence.
10. Article XXVII – UNIFORMS. Employer accepts.
11. Article XIX – SICK LEAVE. Employer accepts subject to:
  - C. Current Sick Leave Bank.
  - D. Catastrophic Sick Leave Bank.  
 Second sentence – Substitute “Sick leave” for “Days”.
  - E. Sick Leave Pay-Out Upon Retirement.
  - F. Sick Leave Records
  - G. Sick Leave Excuse Documentation
  - H. Employees’ absenteeism . . .
  - I. Call off-employees . . .
12. Article XXI – HEALTH BENEFITS.
  - H. Leave the history of monthly premiums 2018-2025.  
 Bold – “Effective 1/1/2025 employees who participate in the Health Plan shall contribute 15% of the above applicable illustrated monthly premium by payroll withholding.”
  - J. Delete as unnecessary where parties agree to an employee contribution amount by year. By agreeing to a specific amount of contribution the Employer has agreed to opt out of PA 152 during the life of the contract and thereafter until the terms are agreed to be changed.
13. Article XXIV – SCHEDULING.
  - B. Second paragraph – Delete limitation on one weekend shift per quarter to new hire employees on or after 9/1/2022. “Employees shall . . .”
14. Article XXI – WAGES.  
Ratification Lump Sum Payment. “Upon ratification all full-time employees . . . receive a lump sum one-time payment of \$650.00 included . . . Upon ratification all part-time . . . employees working under the terms of this agreement (at the time of ratification) shall receive a lump sum one-time payment of \$325.00 included in the first pay in October 2022.”
15. Article XXIV – SECONDARY EMPLOYMENT.
  - A. . . .
  - B. “Secondary employment must not . . .”

All Articles not referred to above would be as stated or proposed in Union’s most recent Proposal through the Mediator received by the Employer on or about September 8, 2022.



**OPEN MEETINGS ACT (EXCERPT)**  
Act 267 of 1976

**15.268 Closed sessions; permissible purposes; applicability to independent citizens redistricting commission.**

Sec. 8. (1) Except as otherwise provided in subsection (2), a public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named individual requests a closed hearing. An individual requesting a closed hearing may rescind the request at any time, in which case the matter at issue must be considered after the rescission only in open sessions.

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as otherwise provided in this subdivision, all interviews by a public body for employment or appointment to a public office must be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted under section 16231 of the public health code, 1978 PA 368, MCL 333.16231, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(i) The search committee in the process, appointed by the governing board, consists of at least 1 student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution, and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number does not constitute a quorum of the governing board. However, the search committee must not be constituted in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(ii) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

(k) For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff. As used in this subdivision, "school board" means any of the following:

(i) That term as defined in section 3 of the revised school code, 1976 PA 451, MCL 380.3.

(ii) An intermediate school board as that term is defined in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

(iii) A board of directors of a public school academy as described in section 502 of the revised school code, 1976 PA 451, MCL 380.502.

(iv) The local governing board of a public community or junior college as described in section 7 of article VIII of the state constitution of 1963.

(l) For a county veteran services committee to interview a veteran or a veteran's spouse or dependent regarding that individual's application for benefits or financial assistance and discuss that individual's

application for benefits or financial assistance, if the applicant requests a closed hearing. This subdivision does not apply to a county veteran services committee voting on whether to grant or deny an individual's application for benefits or financial assistance. As used in this subdivision, "county veteran services committee" means a committee created by a county board of commissioners under section 1 of 1953 PA 192, MCL 35.621, or a soldiers' relief commission created under section 2 of 1899 PA 214, MCL 35.22.

(2) This act does not permit the independent citizens redistricting commission to meet in closed session for any purpose. As used in this subsection, "independent citizens redistricting commission" means the independent citizens redistricting commission for state legislative and congressional districts created in section 6 of article IV of the state constitution of 1963.

**History:** 1976, Act 267, Eff. Mar. 31, 1977;—Am. 1984, Act 202, Imd. Eff. July 3, 1984;—Am. 1993, Act 81, Eff. Apr. 1, 1994;—Am. 1996, Act 464, Imd. Eff. Dec. 26, 1996;—Am. 2018, Act 467, Eff. Mar. 27, 2019;—Am. 2021, Act 31, Imd. Eff. June 24, 2021;—Am. 2021, Act 166, Imd. Eff. Dec. 27, 2021.

**Compiler's note:** Enacting section 1 of Act 166 of 2021 provides:

"Enacting section 1. This amendatory act is intended to clarify that the independent citizens redistricting commission for state legislative and congressional districts, since its establishment under section 6 of article IV of the state constitution of 1963, has been required to conduct all of its business at open meetings, without exception and in a manner that invites wide public participation throughout this state, as provided in section 6(10) of article IV of the state constitution of 1963, and that the commission continues to be subject to this unqualified open meetings requirement."





## Legislative Analysis

### INCLUDE MINIMUM STAFFING LEVELS AS REQUIRED SUBJECT OF BARGAINING

#### House Bill 4688 as introduced

Sponsor: Rep. Jim Haadsma

Committee: Labor

Complete to 9-13-23

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

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 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 "other terms and conditions of employment," as described above, would include minimum staffing levels within the bargaining unit. Minimum staffing levels would also be considered a condition of employment with respect to a bargaining representative's collective bargaining responsibilities.

MCL 423.211 and 423.215

#### FISCAL IMPACT:

The bill could potentially increase staffing costs to the state, local school districts, intermediate school districts (ISDs), and public school academies (PSAs). 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 in any state offices or schools.

There are 10 state collective bargaining units represented by exclusive representatives that negotiate employment contracts with the Office of the State Employer, and they make up 71% of the total state classified workforce.

Legislative Analyst: Holly Kuhn  
 Fiscal Analysts: Noel Benson  
 Jacqueline Mullen  
 Michael Crossen

■ 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.