

COLLECTIVE BARGAINING IN MICHIGAN SCHOOL DISTRICTS: A PRIMER

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Overview

This policy brief provides an overview of collective bargaining agreements (CBAs) in the state of Michigan. It explains differences across National Educational Association (NEA) and American Federation of Teachers (AFT) union contracts and explores the content areas that are typically negotiated.

Key findings include:

- A collective bargaining agreement (CBA) is a contract negotiated between an employer and a labor union that governs terms of employment, working conditions, and various rights and responsibilities of both employer and employee.
- Although CBAs vary in scope, compensation, working conditions, and discipline/grievance, procedures are covered by more than 90% of Michigan teacher contracts
- CBAs are the most determinative in urban districts and NEA-affiliated districts

What is a Collective Bargaining Agreement?

A collective bargaining agreement (CBA) is a contract negotiated between an employer and a labor union that governs terms of employment, working conditions, and various rights and responsibilities of both employer and employee. In the United States, most public school districts negotiate CBAs with local unions that represent teachers and sometimes other school employees. Nearly all local teachers' unions are affiliated with one of two national organizations: either the National Education Association (NEA) or the American Federation of Teachers (AFT). The vast majority of local teachers' unions are NEA affiliates, but many of the largest urban districts in

the country have AFT-affiliated unions. As a result, the AFT has about half as many members as the NEA despite affiliating with a much smaller fraction of school districts. Mirroring national numbers, in Michigan, 94% of teachers' unions are affiliates of the Michigan Education Association (MEA, a state affiliate of NEA), while 5% are affiliates of AFT Michigan, and 1% are not affiliated with either. AFT-MI districts include the Detroit Public Schools Community District and the Dearborn City School District, the first and third largest districts in the state, so although there are very few AFT-affiliated districts, these districts tend to have far more teachers than typical MEA districts.

As of June 26, 2018, "right-to-work" laws in 28 states prohibited labor unions from requiring

employees to become members or pay representation fees. Michigan became a right-to-work state in 2012, and union membership rates consequently dropped for both the MEA and AFT-MI by about 20% by 2015. On June 27, 2018, the United States Supreme Court ruled in *Janus v. AFSCME* that, effectively, all states will be right-to-work moving forward.

What do CBAs for Michigan teachers look like?

EPIC researchers collected and analyzed the contents of the first CBAs negotiated after Michigan became a right-to-work state for teachers from nearly all¹ traditionally organized public school districts in the state. Regardless of union affiliation, most CBAs have the same basic

structure. The main areas are organized into articles, articles are divided into sections, and sections are divided into subsections that outline specific policies and provisions within these topic areas.

In Michigan, CBAs vary considerably in content and complexity. They range in length from 5 to 247 pages and tend to be longest in districts in urban areas and in large districts. A few key content areas are included in almost all CBAs: compensation, working conditions, and procedures for discipline, grievance and staff reductions.

Table 1 outlines the policy areas that are covered in at least 90% of Michigan CBAs and shows the proportion of CBAs that contain provisions in those areas.

Table 1: Bargaining Areas addressed in at least 90% of MI Teacher CBAs

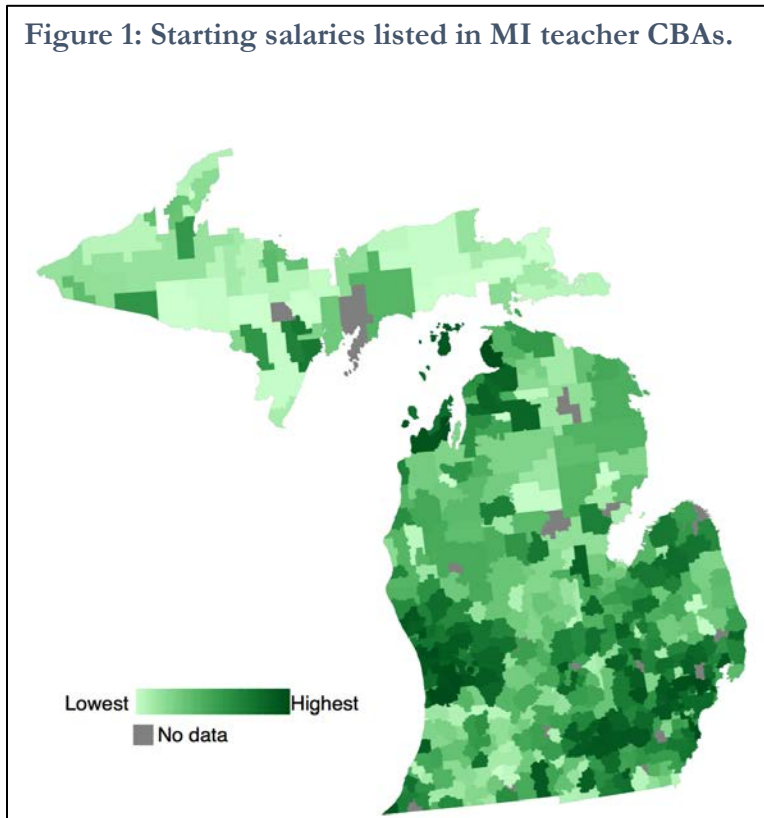
	MEA	AFT	Independent	All
<i>Compensation and Benefits</i>				
Salary schedule	98%	100%	100%	98%
Bonuses for additional qualifications	98%	100%	100%	98%
Extra duty compensation	98%	92%	100%	98%
Medical insurance coverage	95%	84%	80%	94%
Dental insurance coverage	93%	84%	80%	92%
Vision insurance coverage	92%	84%	80%	91%
Life insurance coverage	91%	68%	60%	90%
Sick leave	96%	88%	80%	95%
<i>Rights and Working Conditions</i>				
Class size	92%	80%	60%	91%
Preparation time	94%	92%	40%	94%
<i>Discipline, Layoffs, and Grievances</i>				
Outline of grievance process	98%	92%	80%	98%
Average length of CBA (pages)	52.2	47.9	20.6	51.7
Number of districts	487	25	5	517

Data are from the first CBA negotiated in each district after March 27, 2013.

¹ There are 538 public school districts in Michigan, and 517 are in our analysis. Excluded districts include 20 small districts without CBAs and one district that, at the time of data collection, had not begun a new CBA after the right to work legislation.

Although these areas are addressed in nearly all CBAs, there is substantial variation in how they are addressed: the CBA-outlined policies pertaining to these areas range in their degree of specificity, the amount and types of protections and benefits afforded to teachers, and in the rigidity or flexibility of the specified procedures. For example, although salary schedules are

practically a universal component of CBAs, salary schedules vary widely in content and structure. Figure 1 depicts districts' starting salaries, which range from about \$25,000 to \$50,000 per year. We see that districts with the highest starting salaries are largely clustered into regions approximating urban centers.



Although not shown in the figure below, salary schedules also dictate how much and how quickly salaries increase over time and for teachers with different qualifications.

How determinative are Michigan CBAs?

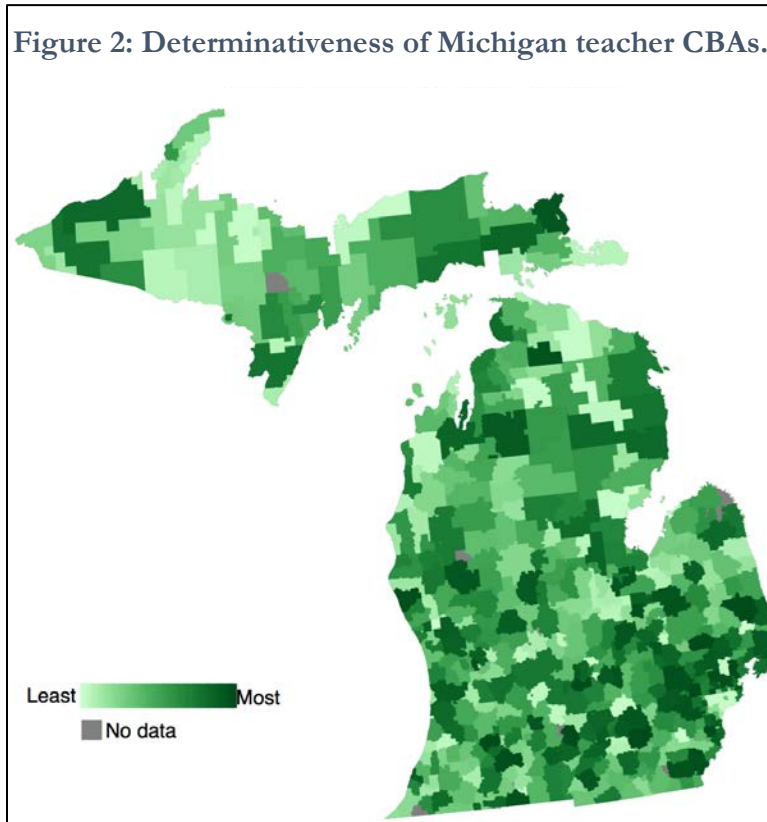
We analyzed Michigan CBAs for both the topic areas covered and the degree of specificity in each of these areas. From this analysis we constructed an index of CBA “determinativeness,” which we

define as a measure of the extent to which a district’s operations are determined by the CBA negotiated with their local teachers’ union. A CBA with a low level of determinativeness affords more flexibility to administrators to make decisions regarding district operations, while a CBA with a high level of determinativeness sets a far wider range of specific guidelines for district operations.

Figure 2 provides a heat map of CBA determinativeness. CBAs are the most

determinative in urban districts, NEA-affiliated districts, and districts with low poverty rates. CBAs are the least determinative in rural districts

and those affiliated with neither the NEA or AFT.



How have CBAs changed with Michigan policy reforms?

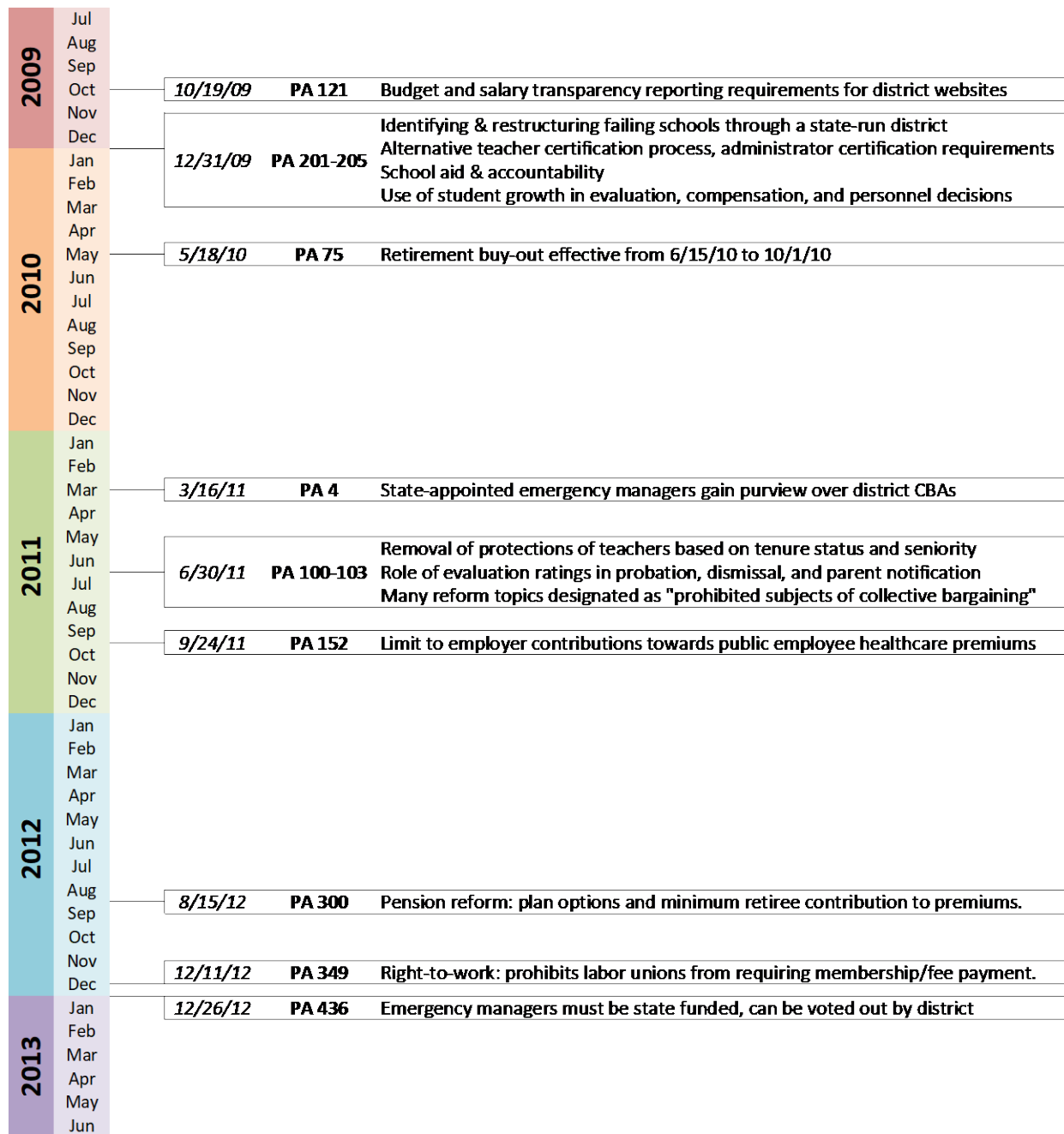
The Michigan legislature implemented a series of policy reforms between 2011 and 2013. These policy changes may have impacted several areas that were previously common components of CBAs, but are now either constrained by statewide policies or prohibited from bargaining entirely. These areas include:

- Union membership, dues, and representation fees;
- Performance evaluation process and consequences;

- Assignments, transfers, recalls, or hiring decisions after a position is eliminated;
- Discipline or discharge of teachers; and
- Amount of instructional time in the school year.

Figure 3 provides a timeline of the set of policy reforms implemented in recent years that could potentially affect teacher labor markets, collective bargaining, and the resulting contracts (CBAs). These policy changes may have impacted CBAs in direct or indirect ways.

Figure 3. Timeline of Policy Changes Impacting CBAs in Michigan



We are primarily interested in PA 100-103, implemented in June of 2011, and PA 349, implemented in December 2012. To understand how CBAs might have changed as these reforms were implemented, EPIC analyzed the last CBA

negotiated before the legislation and the first CBA negotiated after. Corresponding to reductions in the scope of bargaining after these law changes, CBAs tend to be about 10 pages shorter than pre-

policy change CBAs in districts of all types and sizes.

Table 2 outlines the changes in CBA length, CBA determinativeness, and starting salaries experienced by districts over the policy change period. While, on average, CBAs became shorter and less determinative and salaries increased, these effects were not uniform. Some CBAs became longer despite the reduced bargaining scope. It is possible that these districts maintained their pre-change CBA policies but addressed the legislation in attached appendices, adding to the total length.

Table 2: Changes over the policy change period (percent of districts)

	Decrease	No change	Increase
CBA length	77.3%	3.1%	19.6%
CBA determinativeness	48.1%	9.3%	42.6%
Starting salary	24.7%	17.2%	58.2%

Nearly as many CBAs increased in determinativeness as those that decreased. The starting salaries in most districts increased in nominal dollars, as expected given annual inflation and cost-of-living increases, but salaries did not

change in many districts, and actually decreased in even more cases.

Table 3 provides frequencies of CBA provisions for NEA and AFT districts for each time period. Changes over time are most evident in the content areas that were targeted directly by policy changes. For instance, collection of union dues and layoffs were addressed in almost all pre-change CBAs but only in about half of post-change CBAs. Areas pertaining to evaluation were fairly common in pre-change CBAs, but very uncommon in more recent CBAs. Although some districts still address these areas, most CBAs include clauses that nullify any provisions that are contrary to law, making these policies unenforceable.

Most of the changes in these areas affected MEA and AFT affiliated districts in similar ways. In other content areas, CBAs became more similar among MEA and AFT districts. The frequencies of provisions governing teacher mentoring, professional development, student discipline, early retirement, and non-grievable matters, are more alike in the post-change period across union affiliations than they were in the pre-change period.

Table 3. Bargaining areas with the greatest changes in prevalence for MEA and/or AFT districts

	<i>Percent of CBAs that address bargaining area</i>					
	Pre-policy		Post-policy		Change	
	MEA	AFT	MEA	AFT	MEA	AFT
<i>Compensation and Benefits</i>						
Longevity bonuses	66%	60%	61%	68%	-5	+8
Merit pay	1%	4%	7%	8%	+6	+4
Early or part-time retirement	17%	28%	11%	16%	-6	-12
<i>Rights and Working Conditions</i>						
Collection of union dues	98%	96%	51%	40%	-47	-56
Total length of workday	69%	80%	67%	72%	-2	-8
Amount of daily instructional time	54%	48%	49%	36%	-5	-12
Discipline of students	69%	56%	64%	56%	-5	0
<i>Evaluation and Professional Development</i>						
Criteria for evaluation	36%	16%	5%	4%	-31	-12
Evaluation rubric	32%	16%	3%	4%	-29	-12
Factors permitted/prohibited in evaluation	44%	28%	24%	8%	-20	-20
Professional development	69%	60%	68%	68%	-1	+8
New teacher mentor program	76%	28%	70%	44%	-6	+16
<i>Discipline, Layoffs, and Grievances</i>						
Discipline of teachers	59%	36%	42%	28%	-17	-8
Layoffs	97%	88%	55%	36%	-42	-52
Matters excluded from the grievance process	59%	68%	53%	56%	-6	-12

Conclusion

This policy brief has described the collective bargaining agreements (CBAs) that are negotiated between Michigan school districts and local teachers' unions. We examine the prevalence of specific policy areas in local CBAs, as well as the overall determinativeness of the CBAs. We find that nearly all CBAs include issues pertaining to compensation, working conditions, and procedures for discipline, grievance, and staff

reductions, and that there is substantial variation across the state in the determinativeness of local CBAs. We show that NEA CBAs are more determinative than those bargained by the AFT. Furthermore, we find that CBAs in urban districts are more determinative than those in other Michigan districts. Over time, CBAs have declined in determinativeness as Michigan has shifted legislative policy and become a right-to-work state.