

— LEGISLATIVE —
TESTIMONY

September 14, 2023

STEVE DELIE

Opposition to HB 4688

House Labor Committee

Opposition to HB 4688

My name is Steve Delie, and I am the Director of Labor Policy at the Mackinac Center. We are a 501(c)(3) nonprofit research and educational institute that advances the principles of free markets and limited government. Through our programs, we challenge government overreach and advance free-market approaches to public policy that frees people to realize their potential and dreams. I write today to oppose House Bill 4688.

If adopted, HB 4688 would designate staffing levels as a mandatory subject of bargaining in public sector collective bargaining agreements. Such an amendment is unnecessary, and is likely to increase costs with little to no discernible benefit to public bodies.

Currently, staffing levels are a permissive subject of bargaining. Public bodies and unions remain free to negotiate over staffing, but are not typically required to do so. By changing staffing levels to a mandatory subject of bargaining, every public entity governed by PERA will now be required to bargain over staffing when negotiating a collective bargaining agreement.

At minimum, this will increase the costs and complexity of negotiations between public bodies and their unions. Practically, however, requiring staffing levels to be a topic of negotiation is likely to drive needless spending on additional positions that are not necessary for public bodies to perform their essential functions. Unions have an incentive to increase staffing levels, which reflect additional revenue in the form of additional dues-paying members. This incentive is present regardless of whether additional staffing is necessary. Increasing the size and cost of government is not in the best interest of taxpayers.

Nor is this change necessary for safety purposes. In *Oak Park Public Safety Officers Association v City of Oak Park*, the Michigan Court of Appeals recognized that staffing levels could be deemed a mandatory subject of bargaining when staffing issues are "inextricably intertwined with the safety of [a union's] members," thereby having "a genuine or significant impact on safety." 277 Mich App 317 (Mich Ct App 2007). Put plainly, when staffing becomes a matter of safety, it is already a mandatory subject of bargaining. Thus, the only expansion accomplished by HB 4688 would be to require bargaining over staffing levels that will not impact public safety.

Staffing levels are an issue of policy and should be reserved to a public body's discretion. This ensures that a public body has the ability to hire sufficient staff to perform its duties without bearing the costs and expense of unnecessary positions. By requiring public bodies to negotiate over staffing, particularly when staffing levels are not a safety issue, HB 4688 incentivizes needless growth of government at the taxpayer's expense. For these reasons, I urge the committee to vote "no" on HB 4688.

Steve Delie
Director of Labor Policy
Mackinac Center for Public Policy
mackinac.org



The Mackinac Center for Public Policy is dedicated to improving the understanding of economic principles and public policy among private citizens and public officials. A nonprofit and nonpartisan research and education institute, the Mackinac Center has grown to be one of the largest state-based think tanks in the country since its founding in 1987.

Additional information about the Mackinac Center and its mission to improve the quality of life in Michigan through sound public policy can be found at www.mackinac.org.

© 2023 Mackinac Center for Public Policy

140 West Main Street P.O. Box 568 Midland, Michigan 48640

989-631-0900 Mackinac.org mcpp@mackinac.org

