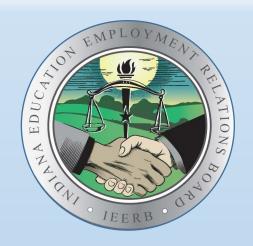


2020 CBA Compliance

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IEERB Director of Compliance



2019-20 One-Year Compliance Reports

- 187 CRRs Issued
 - 89 Compliant
 - 95 Not Compliant, Cease & Desist Only
 - 3 Not Compliant, Prior Approval Issued
- Top issues of noncompliance:
 - Bargaining Unit Description
 - Non-Bargainable Subjects
 - Increases not in Compensation Plan
 - Increases not Attributed to a Factor
 - 50% Cap
 - Redistribution Plan



Bargaining Unit Description

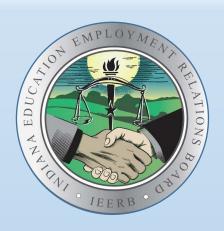
- Must match most recent IEERB Order in effect on date of CBA ratification
- Unit changes, once certified by IEERB in an Order, become effective upon next ratification
- Ratifying a CBA with an amended unit description after the notice period but before the order is issued results in an FNC
- IEERB bargaining unit orders available on IEERB Search
 - https://ieerbsearch.ieerb.in.gov
 - Guest login credentials on the IEERB Search homepage.



Bargaining Unit Description

• Tips:

- CBA recognition clause should match IEERB Order exactly
- Don't wait until you're about to ratify you CBA to make unit changes
 - Contact IEERB for timing suggestions if you're cutting it close
- Retrieve your Order from IEERB Search and review it thoroughly
 - You're responsible for notifying IEERB of any mistakes in the Order
- Agreed changes to unit description not affecting unit composition are quick and easy, so get them done (See 560 IAC 2-2.1-1(c))
 - Example: The formal title of an excluded position changes (e.g. "Director of Information Technology" title changed to "Director of Informatics")



Nonbargainable Subjects

- What you can bargain:
 - Salary, wages, and fringe benefits
 - Grievance procedure
- What you can't bargain:
 - Assignments
 - Hours, days, calendar
 - Composition of school or district wide committees
 - Working conditions
 - Supplemental Payments and TAGs
 - · Anything that's not a salary, wage, or benefit
 - Any terms for employees not in the bargaining unit
 - *But don't forget the obligation to discuss the subjects in IC 20-29-6-7*



NBS: Terms for non-unit-members

- Union represents employees in the bargaining unit only
- Terminology in BU description given plain meaning unless parties include alternate definition in unit description
 - Parties have flexibility to define term locally, but MUST amend unit to include definitions that deviate from plain meaning
- Example: BU = all "full-time" certificated employees
 - Plain meaning of "full-time" is teacher employed 1.0 FTE
 - Parties wish 0.5 FTE or greater teachers to be considered full-time
 - Solution: Amend BU to add "full-time defined as 0.5 FTE or greater"



NBS: Terms for non-unit-members

Tips:

- Clarify ambiguities in unit description
 - Example: use "boys varsity high school basketball coach" instead of "basketball coach" to exclude the position from the BU
 - Note: Agreed change that does not affect unit composition is quick and easy (See 560 IAC 2-2.1-1(c))
- Avoid adding wages for excluded ECA positions or lay staff to your ECA schedule
 - If you DO add them there, be sure to clearly indicate that the wage for that
 position was not bargained and was included for informational purposes only
- If BU limited to "full-time" don't bargain for teachers employed parttime, less than a full day, less than a full load, or less than full-time



Undescribed transition to new salary schedule

- Example: Salary schedule includes \$1000 across-the-board increase from last year, but Comp Plan only describes increase amounts from advancing rows and columns
- Result:
 - FNC for increase not in compensation plan
 - FNC for increase not attributed to statutory factor
 - Amount of transition increase included in the 50% calculation due to lack of factor attribution
- Solution: "Teachers that satisfy the evaluation rating factor transition to the 2020-21 SS in the same row and receive a \$500 increase"



50% Cap on Ed & Exp

- Calculation based on percentage of total possible increase
- Increases Subject to the Cap:
 - Years of experience factor
 - Content area degrees and hours factor
 - Academic needs and instructional leadership factors, if defined, distributed, or differentiated according to teachers' education and/or experience
- Increases not Subject to the Cap:
 - Increases to reduce-the-gap
 - Teacher retention catch-up increases
 - Evaluation factor
 - Academic Needs and Instructional Leadership factors w/o ed/exp component



Redistribution Plan (RDP)

- All compensation plans (CPs) must include RDP, unless it's clear that one is not needed
- Simply saying that a specified amount of money will be fully distributed, when that is not demonstrated by the CP, is insufficient and will result in an FNC
- Examples of CPs that need a redistribution plan:
 - Increases based on advancement on a salary schedule
 - An increase is described as a set amount per teacher, point, or factor (even if CP uses pool/points, for example, to distribute other factor increases)
- Required components of RDP:
 - To all teachers rated effective or highly effective
 - In current contract year
 - METHOD: as a stipend or base increase



MOUs

- Amend or supplement the CBA
- Ratification outside bargaining period ONLY if:
 - New info / unanticipated event not known at CBA ratification; or
 - IEERB issued nonrule policy guidance re: unanticipated circumstances impacting multiple parties
- Include written explanation of need for MOU
- Send to <u>ratifiedcontracts@ieerb.in.gov</u> within 10 business days of ratification
- Attach ratified MOU to current CBA, reupload to Gateway, and publish on school corp. website
- TIP: Ask IEERB to "pre-approve" a proposed MOU by emailing draft and written explanation to compliance@ieerb.in.gov
 - Remember to copy other party on your email request



Final Thoughts

- Review your last compliance report carefully and don't skip the footnotes or general comments
- When bargaining: Is it salary, wages, or fringe benefits? If no, don't bargain it
- Including policy for reference purposes? Be sure to say that it wasn't bargained and was included for informational purposes only
- Beware of old language and remove if possible
- Check dates and internal citations for accuracy
- Keep it simple