

Changing the Bargaining Unit



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Who can be in the unit?

- Certificated Employees: the employee's job requires a license or permit
- School Employees: full time certificated employees
 - Full Time=1.0 FTE unless the parties define it differently in their bargaining unit. The definition cannot only be in the CBA, it has to also be in the unit description.

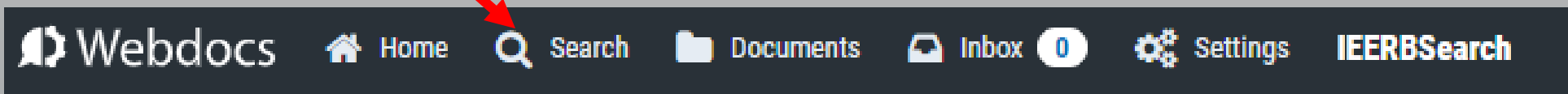
Who cannot be in the unit?

- Supervisors: Ind. Code § 20-29-2-19
- Confidential Employees: Ind. Code § 20-29-2-5
- Employees performing security work
- Noncertificated employees

How to find the current unit

Slide 1

1. Go to IEERB Search:
<https://ieerbsearch.ieerb.in.gov/login.aspx>
2. Log in. If you don't have a log in, you can register or use the guest account with Username: Guest123 and Password: IEERB
3. Select Search at the top of the page



How to find the current unit?

Slide 2

4. In Folders, select Bargaining Unit
5. In Document Type, scroll down and select Bargaining Unit Orders
6. In Advanced filters, change the Title dropdown to Corporation
7. Type in your school corporation name
8. The results of the search will appear at the right of the search tool. Review the most recent Order Affirming or Acknowledging the bargaining unit.

The screenshot displays the Webdocs search interface. At the top, there is a navigation bar with 'Webdocs', 'Home', 'Search', 'Documents', 'Inbox 0', and 'Settings'. Below this is a search bar with a 'Search' button. The main content area is divided into three sections: 'Folders', 'Document Types', and 'Advanced Filters'. In the 'Folders' section, 'Bargaining Unit (596)' is selected. In the 'Document Types' section, 'Bargaining Unit Orders (596)' is selected. In the 'Advanced Filters' section, the 'Match All (AND)' radio button is selected, and the 'Date Added' dropdown is set to 'on'. The 'Corporation' dropdown is set to 'starts with'. Three red arrows point from the text in the list to these specific selections in the interface.

How to Change the Bargaining Unit

No Employee is Affected

- If no employee is affected by the change, an email can be sent to efile@ieerb.in.gov, explaining the change that is needed. Both parties (association president and school superintendent need to be included on the email sent to IEERB.
- Examples
 - Eliminated position
 - Change in title of position
 - Updates to statutory language: Acts of 1973, Public Law 217 or IC 20-7.5 should be IC 20-29.

How to Change the Bargaining Unit

Parties Agree to the Change

- **Notice:** Parties must draft a notice that explains the unit change and provide it to school employees. A sample is at: <https://www.in.gov/ieerb/2410.htm>
- **Objections/Complaint:** Employees have 30 days after the notice is provided to employees to submit objections to the change to IEERB at efile@ieerb.in.gov.
- **Submit Agreement to IEERB:** 30 days after the agreement is provided to school employees, the parties must submit the Notice to IEERB at efile@ieerb.in.gov and request that the change be certified.
- **Review and Certification:** IEERB will review the Notice and the change to ensure substantial compliance and certify the change in the form of an Order.

How to Change the Bargaining Unit

Parties Dispute to the Change

Petition/Complaint: A petition or a complaint to an agreed change is filed with IEERB.

Notice: Parties must draft a notice that explains the unit change and provide it to IEERB at efile@ieerb.in.gov to approve. A sample is at: <https://www.in.gov/ieerb/2410.htm>. Once approved by IEERB, the notice must be provided to school employees.

Complaint/Responses: Employees have 30 days after the notice is provided to employees to submit objections. A party opposing a petition has 20 days from receipt of the notice to file a response. Complaints and responses are filed with IEERB at efile@ieerb.in.gov.

Hearing Officer Determination: A Hearing Officer will conduct a hearing and determine make a determination on the unit composition.

Methods of Notice during a Global Pandemic

Think logically: What method do I use to reach all of the school employees?

Options to Consider:

School is not in session and building is closed for the entire 30 days

- Mail
- Email to work or personal email
- Notification (text/call) through preferred contact information

School is in session, all employees come to the building and the building is and open for the entire 30 days

- Posting in each school for 30 days
- Email
- School Mailbox

School is in session and some employees are in the building but not all.

- Mail
- Email to work or personal email
- Notification (text/call) through preferred contact information

When is the change to the unit effective?

- The change has to be certified through IEERB in the form of an Order
- The change does not effect any current CBAs.
- The change is effective upon reopener or ratification of a new CBA.



Top 5 Mistakes

#1: Emailing the wrong place

- All correspondence, petitions, complaints, responses, notices and anything else a party wishes to be included in the case needs to be sent to:

efile@ieerb.in.gov

- If something is sent to an individual employee at IEERB, it will not be considered part of the case.

#2: Emailing IEERB at efile@ieerb.in.gov without all parties included on the email

- After you have included efile@ieerb.in.gov in your “To” line of your email to IEERB, make sure that any other person who is a party to the case on either the “To” or “CC” line of the email.
- IEERB will not certify a unit change unless all parties are included on the email.
- Examples of party representatives: superintendent, association president, school attorney, association attorney and employee who filed a complaint, attorney of employee who filed a complaint.

#3: Ratifying a CBA before the Unit Change is Certified by IEERB

- Parties sometimes think that the change in the unit is effective immediately after the notice has been posted for 30 days. This is not accurate.
- The parties need to submit the notice to IEERB. IEERB then has to review the notice along with any complaints/responses received. If there are issues, IEERB may have to have phone conference with the parties. Once IEERB is satisfied that the proposed change is compliant with law, IEERB will certify the change through an Order.
- Example:
 - Parties ratify their CBA on October 2 and include the bargaining unit description from a notice posted on September 1. IEERB certifies the unit change on October 3. Parties will receive a compliance finding for having the wrong bargaining unit description in their CBA.

#4: Including the wrong unit description language in the notice

- The notice requires that parties use the current unit description that has been certified by IEERB. All units were certified in 2016 and some have subsequent amendments. The current unit description can be found in the Bargaining Unit Order on IEERB Search. Do not rely on the unit description found in the most recent CBA.
- The notice also requires that parties use the proposed unit description in its entirety. Do not just list the changes. Do not just list the excluded positions. Do not just list the included positions.

#5: Using the Wrong Form

- Historically, IEERB has several forms on its Representation page on its website: <https://www.in.gov/ieerb/2410.htm>
- IEERB recently updated its Representation page and the forms.
- The correct forms are under the title: Changing the Bargaining Units
- The titles of the documents should be self-explanatory, but if there are any questions email IEERB at questions@ieerb.in.gov and we will direct you to the proper form.

- Avoiding mistakes and following the proper procedures helps in a speedy resolution for changing the unit.
- For a more detailed explanation of how to change the unit, see the Guide to Changing the Bargaining Unit at <https://www.in.gov/ieerb/2410.htm>. This guide has been updated and is now only 10 pages and includes a clickable table of contents to take you to your exact issue.
- If you still need assistance, please contact IEERB at questions@ieerb.in.gov