

To: Superintendents/Directors and Exclusive Representative Presidents
From: Sarah Cudahy and Stacey Hughes, IEERB Staff
Re: Changes/Additions to Collective Bargaining Laws effective July 1, 2015
Date: July 10, 2015

This memo provides a brief synopsis of changes or additions to laws that impact collective bargaining. This memo is for information purposes, and is not intended to be used as legal advice. Please consult your attorney for legal advice. Acts that impact teacher collective bargaining include: HEA 1001, HEA 1009, HEA 1483, HEA 1683, SEA 500 & SEA 566. These Acts are available at <https://iga.in.gov>.

This information, along with the new laws and guidance, will be posted on www.in.gov/ieerb.

Items no longer bargained:

- Supplemental pay for certain master's degrees (increases based on education can still be bargained and given through a compliant compensation plan)ⁱ
- Performance grants/stipends to teachersⁱⁱ
- Additions to base salary based on performance grantsⁱⁱⁱ

Items included in discussion:

- Pre-evaluation planning session^{iv}
- Superintendent's report on aggregate performance evaluation results must be discussed before presented to the school board^v
- Supplemental pay for certain master's degrees^{vi}
- Funding for a plan of remediation^{vii}
- Performance grants/stipends to teachers^{viii}
- Additions to base salary based on performance grants^{ix}

Changes to impasse timeline:^x

- Fact-finding may not last longer than 30 days
- The board has 60 days to rule on an appeal

IEERB will review Collective Bargaining Agreements for compliance:^{xi}

- School employers shall submit their CBA, including their compensation plan, to IEERB after it is ratified
- IEERB will review the CBA, including compensation plan, for compliance by March 30th of the year it expires
- Compliance Report and Recommendation will identify any non-compliance and recommended penalty for non-compliance.
- Parties have 15 days to appeal the Report.

- The board must issue a ruling within 30 days of the date that: the appeal is received, briefs are received, or oral arguments are held
- If a CBA is found to be non-compliant, the board shall issue an order that may include one or more of the following items:
 - Ordering the parties to cease and desist from all identified areas of noncompliance
 - Preventing the parties from ratifying any subsequent CBAs until the parties receive written approval from the board or the board's agent
 - Requiring other action as deemed appropriate by the Board as authorized by law
- The Board may send the Board's compliance findings to other state agencies as necessary

Compensation Plans:^{xii}

- Salary schedule was changed to compensation plan
- Salary ranges must be included in the compensation plan, and comprise the lowest and highest base salaries for full-time bargaining unit members not including any increases for that year
- DOE has updated its model compensation plan, which also can be found on IEERB's website

Performance evaluations:

- Pre-evaluation planning session must be discussed^{xiii}
- Superintendent's report on aggregate performance evaluation results must be discussed before presented to the school board^{xiv}
- Developed plan must be submitted to DOE and IEERB^{xv}
- DOE may review plan for efficacy and IEERB may review plan for legality, and both may comment to the school corporation^{xvi}

Performance Stipends/increases Pursuant to Indiana Code Section 20-43-10-3:^{xvii}

- No longer bargained
- Amount of distribution from grant to teacher is at the discretion of school employer
- Governing body must differentiate between the amount of stipends for effective/highly effective teachers
- School employer may determine an amount, not exceeding 50% of stipend, that becomes a part of salary base
- Stipends must be distributed to teachers by the January 31 immediately following the school employer's receipt of it, or returned to DOE
- Effective for 2015-2017 biennium

Non-traditional Schools:

- Innovation Network Schools^{xviii}
 - Governing body is not bound by its collective bargaining agreement for innovation network school employees

- Employees may organize and create a separate bargaining unit to collectively bargain
- Career pathways pilot program participants are members of the school’s bargaining unit, but may not collectively bargain salary increases (determined under approved career pathways plan)
- Transformation Zones^{xix}
 - Special management team assigned under I.C. § 20-31-9-4 is not bound by a prior CBA
 - A school that has been designated as a transformation zone following the third consecutive year in the lowest performance category/designation is not subject to I.C. Art. 20-29 unless the school corporation voluntarily recognizes an exclusive representative. The school corporation may authorize a school within the transformation zone to opt out of bargaining allowable subjects or discussing discussion items by specifying items on the recognition notice required under I.C. § 20-29-5-2(b). Notice must be provided to IEERB.

Other Miscellaneous Items:

- Continuation of Contract Terms: upon a CBA expiration, except for performance stipends and additions to base salary provided under I.C. § 20-43-10-3, the terms of the CBA shall continue, with no increase or increment^{xx}
- General Fund Operating Referendum Certification: must be received before the conclusion of bargaining^{xxi}
- Notification of teacher’s rights: The attorney general will send a letter to teachers annually summarizing teacher’s rights and protections under state and federal law^{xxii}

ⁱ See I.C. §§ 20-28-9-1.5, 20-29-6-4, 20-29-6-4.5(b).

ⁱⁱ See I.C. § 20-43-10-3, 20-29-6-4, 20-29-6-4.5(b).

ⁱⁱⁱ See I.C. §§ 20-43-10-3, 20-29-6-4, 20-29-6-4.5(b).

^{iv} See I.C. §§ 20-28-11.5-4(e)(2), 20-29-6-7.

^v See I.C. §§ 20-28-11.5-9(a), 20-29-6-7.

^{vi} See I.C. § 20-28-9-1.5(a).

^{vii} See I.C. §§ 20-29-6-7.

^{viii} See I.C. §§ 20-29-6-7.

^{ix} See I.C. §§ 20-29-6-7.

^x See I.C. §§ 20-29-6-15.1, 20-29-6-18, 20-29-8-7

^{xi} See I.C. § 20-29-6-6.1.

^{xii} See I.C. IC § 20-28-9-1.5.

^{xiii} See I.C. § 20-28-11.5-4(e)(2).

^{xiv} See IC §§ 20-28-11.5-9(a), 20-29-6-7.

^{xv} See I.C. §§ 20-28-11.5-8.5.

^{xvi} See I.C. §§ 20-28-11.5-8.5.

^{xvii} See I.C. § 20-43-10-3(g).

^{xviii} See I.C. §§ 20-25.7-4-7, 20-25.7-6-6

^{xix} See I.C. §§ 20-31-9.5-1, 20-31-9.5-9.5

^{xx} See I.C. § 20-29-6-16(b).

^{xxi} See I.C. § 20-29-6-12.5(b).

^{xxii} See I.C. § 4-6-2-1.5.