2015 IEERB Updates

Presented by the

Indiana Education Employment Relations Board

IEERB Overview

- What is IEERB? Neutral agency overseeing relationship between schools and teacher unions
- What does IEERB do?
  - Gathers and provides CBAs and bargaining data
  - Determines exclusive representatives, holds elections, determines bargaining units
  - Decides unfair practice cases
  - Conducts impasse procedures (declaration of impasse, mediation, factfinding, appeals)
  - Provides information and training to the parties
  - Evaluates compliance of CBAs, including compensation plans

IEERB Case Updates

2014 Impasse Cases

IMPASSE COSTS		PARTIES			IEERB		
	# CASES	HIGH	LOW	AVG	HIGH	LOW	AVG
AT IMPASSE	21						
MEDIATION	12	$3,973	$0	$1,216	$1,155	$0	$401
FACT-FINDING	1	$5,800	$5,800	$5,800	$445	$445	$445
FINANCIAL CONSULTANT	1				$1,782	$1,782	$1,782

- *Nettle Creek*
- *Anderson*
- *Jay*

Legislative Overview

- **Changes to impasse timeline**
  - Factfinding 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**
  - Initial Report by March 30

- **Teacher Rights Letter**
  - Sent out by Attorney General to every teacher by mail
  - Sent out by July 30 each year

- **No Longer Bargained**
  - Supplemental Master's Payments
  - Teacher performance grants
  - Increases based on teacher performance grants

Legislative Overview

- **New Discussion Items**
  - Aggregate teacher evaluation results
  - Pre-evaluation planning session
  - Funding for a plan of remediation
  - Supplemental Master's Payments
  - Teacher performance grants
  - Increases based on teacher performance grants

- **Performance evaluations:**
  - Pre-evaluation planning session must be discussed
  - Superintendent's report on aggregate performance evaluation results must be discussed before presented to the school board
  - Developed plan must be reported to DOE and IEERB
  - DOE may review plan for efficacy and IEERB may review plan for legality, and both may comment to the school corporation

Legislative Overview

- **Bargaining in Non-Traditional Schools**
  - Innovation Network Schools
  - Transformation Zones

- **Other Miscellaneous Items:**
  - Upon a CBA expiration, except for performance stipends and additions to base salary provided under IC § 20-43-10-3, the terms of the CBA shall continue, with no increase or increment
  - General Fund Operating Referendum Certification must be received before the conclusion of bargaining
  - Changes made to SB 1260

Research & Gateway

2015-2016 Timeline

- July 20 – Exclusive Representative President Name and Contact Survey Due (receive via email, opens July 8)
- August 1 – Formal Bargaining Begins
- October 2 – Bargaining Status Form Due (opens August 3)*
- October 9 – Ratified Collective Bargaining Agreement Due*
- December 1 – Collective Bargaining Report Due* (opens August 3)

*Completed in Gateway https://gateway.ifionline.org/login.aspx

Steps to complete Bargaining Status Form:Pre-Impasse in Gateway

By **October 2, 2015** both the corporation superintendent and the exclusive representative president must submit the Pre-Impasse section of the 2015 Bargaining Status Form through Gateway. (IEERB requested the name and email address of the exclusive representative president – in a Qualtrics survey - in order to send him or her a username and password to access the 2015 Bargaining Status Form: Pre-Impasse in Gateway.) To complete the Bargaining Status Form: Pre-Impasse follow these steps:

1. Login to Gateway https://gateway.ifionline.org/login.aspx (If you do not know your password contact me – shughes@ieerb.in.gov – and I will reset it for you.)
2. On the bottom right of the screen you will see a blue button titled "Bargaining Status Form: Pre-Impasse." Click that button.
3. Click on your school unit.
4. Click on 2015 Bargaining Status Form: Pre-Impasse.
5. Complete the form (contact information, six yes or no questions with optional comments, and an attestation button) and click submit at the bottom of the page.
6. An email will be automatically sent to the exclusive representative president (you gave me his or her email address in the Qualtrics survey) explaining that it is time for him or her to complete his or her section of the form by logging in to Gateway and following the same steps as described above. The exclusive representative president will agree or disagree with your form and provide optional comments, then click submit.

Steps to upload CBA in Gateway

By **October 9, 2015** the school corporation superintendent must upload the ratified collective bargaining agreement in Gateway. The uploaded contract must contain the signed signature page(s). To upload the collective bargaining agreement:

1. Login to Gateway https://gateway.ifionline.org/login.aspx (If you do not know your password contact me – shughes@ieerb.in.gov – and I will reset it for you.)
2. On the bottom right of the screen you will see a blue button titled "CBR Contract Upload." Click that button.
3. Click on your school unit.
4. Click on 2015-2016 Upload Collective Bargaining Contract.
5. Input the Contract Start Date and Contract End Date.
6. Upload a PDF of the signed contract. It will only accept a PDF.
7. Click upload.

Steps to complete Collective Bargaining Report in Gateway

2014-2015 Collective Bargaining Report

By **December 1, 2015** the corporation superintendent must complete the 2014-2015 Collective Bargaining Report in Gateway. Note that these data are based on last school year, so all corporations will have this information available. To complete the collective bargaining report:

1. Login to Gateway https://gateway.ifionline.org/login.aspx (If you do not know your password contact me – shughes@ieerb.in.gov – and I will reset it for you.)
2. On the bottom right of the screen you will see a blue button titled "Collective Bargaining Reporting." Click that button.
3. Click on your school unit.
4. Click on 2015 Collective Bargaining Reporting.
5. Optional – Click on Report Outputs then Collective Bargaining Report to view the data collection fields in preparation for completing this report. Click Collective Bargaining Reporting Main Menu in the bread crumb to return to the main menu.
6. Click on Collective Bargaining Reporting (on the Main Menu).
7. Complete the report.
8. To Submit Report, return to the Collective Bargaining Reporting Main Men and click Submit Report.

To access IEERB data collections go to:
https://gateway.ifionline.org/report_builder/

Click on Collective Bargaining

IEERB compiled 5 reports from your data.

To see individual corporation Collective Bargaining Reports click here

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Report Builder » Select Report

Collective Bargaining

Each public school corporation is required to report on their collective bargaining with the Indiana Education Employment Relations Board. Gateway is now being used to collect and publish those data.

Learn more about these data »

Select a Report

- IEERB Collective Bargaining
  Each public school corporation is required to report on their collective bargaining with the Indiana Education Employment Relations Board.
- Collective Bargaining Contract Uploads
  Contract Uploads
- IEERB Collective Bargaining Submission Log
  Find out which units have submitted their Collective Bargaining Report.
- IEERB Collective Bargaining Statewide Summary
  Statewide summary report.
- Collective Bargaining Statewide Health Plan Summary
  Statewide summary of health care, vision, dental.

At the top of the page select Year, County, Unit, and click View Report. Export the report by clicking the disk icon and select a format.

Report Builder: IEERB Collective Bargaining Report

Year 2014 County Grant

Unit Type SCHOOL Unit MARION COMMUNITY SCHOOL CORPORATION

View Report

2014 Collective Bargaining Reporting
Marion Community School Corporation

Area Type	Urban
When does your 2014-2015 bargaining agreement begin?	08/08/2014
When does your 2014-2015 bargaining agreement end?	08/07/2015
For 2013-2014 did you accept transfer students who do not have legal settlement within your school corporation?	Yes
For 2014-2015 do you accept transfer students who do not have legal settlement within your school corporation?	Yes
Positions	
Number of certificated positions in the bargaining unit 2013-2014	263
Total number of certificated positions 2013-2014 (exclude administrative positions)	263
Salaries for all in bargaining unit	
Total of salary costs for all teachers 2013-2014	$10,365,559
Minimum annual teacher salary "Full Time" 2013-2014	$33,613
Average annual teacher salary "Full Time" 2013-2014	$42,200
Maximum annual teacher salary "Full Time" 2013-2014	$62,849
Total cost of all teacher salary increases this year 2013-2014	$471,325
Salary Stipend (or Bonuses) *Excluding Extracurricular	
Total stipends paid to all teachers 2013-2014	$500,418.00
Total number of teachers receiving a stipend 2013-2014	154

To see corporation Collective Bargaining Agreements click here

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Report Builder » **Select Report**

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Select appropriate Year and View Report

Click on Uploaded File to open a PDF of the contract.

Report Builder: Collective Bargaining Contract Uploads Report

Year 2014 View Report

1 of 1 Find | Next

CBR Contract Uploads

County	Unit	Contract Start Date	Contract End Date	Upload Date	Uploaded File
Adams	Adams Central Community School Corporation	08/09/2013	08/02/2015	10/16/2014	515_19_2014.pdf
	[illegible]	[illegible]	[illegible]	[illegible]	165_20_2014.pdf
	South Adams School Corporation	08/01/2014	06/30/2015	10/02/2014	374_21_2014.pdf
Allen	East Allen County School Corporation	04/20/2011	06/30/2016	10/23/2014	545_58_2014.pdf
	Fort Wayne Community School Corporation	07/01/2013	06/30/2015	10/01/2014	336_57_2014.pdf
	Northwest Allen County School Corporation	08/01/2013	07/31/2015	10/02/2014	386_56_2014.pdf
Bartholomew	Bartholomew Consolidated School Corporation	08/01/2013	07/31/2015	10/03/2014	409_91_2014.pdf
	Flatrock-Hawcreek School Corporation	07/01/2014	06/30/2015	10/01/2014	334_92_2014.pdf
Benton	Benton Community School Corporation	07/01/2014	06/30/2015	12/22/2014	614_116_2014.pdf
Blackford	Blackford County School Corporation	08/20/2014	08/20/2015	08/29/2014	178_136_2014.pdf
Boone	Lebanon Community School Corporation	07/01/2014	06/30/2015	10/02/2014	365_166_2014.pdf
	Western Boone County School Corporation	01/01/2014	06/30/2015	09/29/2014	275_164_2014.pdf
	Zionsville Community School Corporation	07/01/2004	06/30/2015	11/14/2014	587_165_2014.pdf
Brown	Brown County School Corporation	07/01/2014	06/30/2015	10/09/2014	455_182_2014.pdf
Carroll	Carroll Consolidated School Corporation	10/01/2013	07/01/2015	10/02/2014	371_210_2014.pdf
	Delphi Community School Corporation	08/01/2013	06/30/2015	10/27/2014	561_211_2014.pdf
Cass	Logansport Community School Corporation	07/01/2014	06/30/2015	10/03/2014	396_243_2014.pdf
	Pioneer Regional School Corporation	08/11/2011	08/11/2015	11/13/2014	585_241_2014.pdf
	Southeastern School Corporation	08/12/2014	08/11/2015	10/01/2014	342_242_2014.pdf
Clark	Clarksville Community School Corporation	07/01/2014	06/30/2015	10/16/2014	516_272_2014.pdf
	Greater Clark County School Corporation	07/01/2011	06/30/2015	10/02/2014	379_273_2014.pdf
	West Clark Community School Corporation	08/15/2010	07/31/2016	10/01/2014	345_271_2014.pdf
Clay	Clay Community School Corporation	07/01/2014	06/30/2015	10/10/2014	481_308_2014.pdf
Clinton	Clinton Central School Corporation	08/01/2014	06/30/2015	09/17/2014	213_336_2014.pdf

To see corporations that have submitted the Collective Bargaining Report click here

To see a state-, urban-, suburban-, or rural- level summary of **salary** and **wage** data click here

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Report Builder » **Select Report**

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- Collective Bargaining Statewide Health Plan Summary
  Statewide summary of health care, vision, dental.

Select Report Type from the drop down menu (All, Urban, Suburban, or Rural), Year, and View Report to see aggregated data for each type.

Report Builder: IEERB Collective Bargaining Statewide Summary Report

Report Type All Year 2014 View Report

1 of 1 Find | Next

Collective Bargaining Statewide Results
All School Corporations
2013/2014

	2013/2014 SY	Pct/Avg
Number of corporations reporting out of 307	307	100.0%
Rural	202	65.8%
Surburban	59	19.2%
Urban	43	14.0%
Certificated positions in school corporations (excl. admin)	61,995	202
Certificated positions in bargaining units	57,011	186
TEACHER SALARIES		
Total salary costs for all teachers	$3,158,514,770	$10,288,322
Average salary for certificated positions in bargaining unit	$48,352	
Maximum salary:		
Lowest salary reported	$43,122	
Highest salary reported	$86,835	
Minimum salary:		
Lowest salary reported	$28,852	
Highest salary reported	$50,000	
Total cost of teacher salary increases	$74,634,195	
TEACHER STIPENDS		

To see a state-, urban-, suburban-, or rural- level summary of **salary** and **wage related benefits** data click here

Select Year*, Rurality Type from the drop down menu (All, Urban, Suburban, or Rural), and View Report to see aggregated data for each type.

*Aggregated data available only for Year 2014

Report Builder: Collective Bargaining Statewide Health Plan Summary Report

Year 2014 Rurality Type All View Report

1 of 1 Find | Next

Collective Bargaining Statewide Results
All School Corporations
2013/2014

Health						
Corporations providing health insurance - **304**						
Most frequently used carrier - **Anthem**						
Self-Insured - **88**						
Fully Insured - **50**						
Trust or Consortium - **166**						
Total cost for all health insurance paid by corporation - **$95,701,555**						**Lowest average values exclude zeros*
	Enrollees	**Paid by Corporation**	**Avg Paid by Corporation per Enrollee**	***Lowest Avg Paid by Corporation per Enrollee**	**Highest Avg Paid by Corporation per Enrollee**	**Avg Paid by Employee per Enrollee**
Single	33,157	$28,780,666	$868	$5.56	$14,966	$323
Member/Spouse or +1	4,681	$6,229,629	$1,331	$46.52	$21,960	$691
Member/Children	6,246	$5,007,108	$802	$16.10	$15,350	$426
Family	27,464	$52,751,082	$1,921	$2.69	$21,960	$693
Health Savings Account	5,854	$2,933,069	$501	$1.34	$19,256	$774
Dental						
Corporations providing dental - **248**						
Most frequently used carrier - **Anthem**						
Total cost for all dental insurance paid by corporation - **$3,605,355**						

Impasse Proceedings

	2015 BARGAINING/IMPASSE TIMELINE ***These dates will not be altered for individual school calendars.***
Pre 8/1	Informal negotiations may be held
8/1	DOE Estimate of General Fund Revenue
8/1	**FORMAL COLLECTIVE BARGAINING PERIOD BEGINS**
~9/14	Fall ADM count
10/1	**IMPASSE PERIOD BEGINS**
10/2	**Bargaining Status Forms Due**
10/9	**Settled CBAs Due**
~10/14	DOE Certification of Bargaining Revenue
12/31	**IMPASSE PERIOD ENDS**
	For more information, visit www.in.gov/ieerb

Bargaining/Impasse Steps

- Informal Bargaining
- Bargaining (starting August 1) & Pre-Impasse Mediation
- If settle and ratified, send ratified contract to IEERB
- If don’t settle or send ratified contract to IEERB:
  - Declaration of Impasse
  - Appointment of Mediator
  - Mediation (1-3 sessions; up to 30 days)
  - Appointment of Factfinder
  - Factfinding (up to 30 days)
  - Appeal to IEERB (must appeal w/in 30 days; Bd. has 60 days to rule)
- Note: End of Impasse Notice sent if IEERB receives ratified contract during impasse prior to fact finding appointment

Pre-Impasse Mediation

- Board will vote on implementation at June 19 Board meeting
- Will allow parties to mutually request mediation August 1 – October 1
- Mediator appointed by IEERB
- Mediator costs split by the parties
- Mediator will not be impasse mediator unless mutually requested by the parties
- No required number of sessions
- Mediation must end by October 1

What IEERB expects from the parties during impasse

- Bargaining Status Form
- Communication regarding status
- Compliance with timelines/process

<u>What if the parties settle?</u>

- Parties can settle starting August 1 and prior to a fact finder appointment by submitting a **<u>ratified</u>** CBA to IEERB.
  - Note: If impasse already declared, the parties will receive an End of Impasse Notice.

- Parties can settle after a fact finder appointment by submitting a joint LBO to the fact finder

Mediation Overview

- What is the process?
  - Appointment
  - Length
  - End of Mediation

- What are best practices?
  - Set first session early
  - Take it seriously
  - Leave time for ratification/LBO preparation

Last, Best Offers (LBOs)

- What are they?
- What is entailed?
- LBO compliance
- Joint LBOs
- What is the fact finder/financial consultant looking for?

Fact Finding Overview

- What is the process?
  - Appointment
  - Investigation
  - Hearing
  - Report

- What are best practices?
  - Be flexible
  - Support & Explain LBO

Compliance

Compliance: Process & Rules

- School employer must submit ratified CBA (including comp plan)
- IEERB appoints a compliance officer to review
- Compliance officer issues written recommendation
  - Compliant or noncompliant
  - Penalty for noncompliance
- Possible penalties
  - Cease and desist
  - IEERB approval before ratifying subsequent CBA
  - Other as allowed by law

Compliance: Process & Rules

- 15 days to file written appeal
- Board final order 30 days after the later of:
  - Receipt of appeal
  - Filing of briefs
  - Oral argument
- IEERB may send findings to other state agencies
- IEERB given authority to adopt rules to implement compliance review

Compliance: Process & Rules

- Emergency Rules
- New definitions added
- Compliance review
  - Publish rubric
  - Timing of CBA submission
  - MOUs
  - Clarifying with school employer and exclusive representative
  - Appeal process
- Permanent rules to follow

Compliance: Scope of Review

- Based on the CBA as provided to IEERB by the parties.
- Does not include an evaluation of deficit financing.
- Does not include an evaluation of whether the health insurance plan is compliant with IC 20-26-17 (HEA 1260-2011).
- Does not include an exhaustive review of whether any provision of the CBA conflicts with any state or federal right, benefit, or law.

Compliance Rubric: Permissible/required Salary Provisions

- Required
  - Salary range, including the starting amount/calculation for salaries
  - Compensation plan (see detailed slides below)
- Permissible salary items
  - wage payment agreements
  - salary for supplemental contracts
  - dues deductions
  - payment for extended contracts
  - general payroll deductions

Compliance Rubric: Permissible Wage Provisions

- Payment for
  - Ancillary duties/activities
  - Co-curricular activities
  - Extra-curricular activities

Compliance Rubric:
Salary and Wage Related Fringe Benefits

- Required (NOTE: not necessarily required to be provided)
  - Accident
  - Sickness
  - Health
  - Dental
  - Vision
  - Life
  - Disability
  - Retirement benefits
  - Paid time off as permitted to be bargained under IC 20-28-9-11
- Permissible salary and wage related fringe benefits

Compliance Rubric : Permissible Non-substantive Provisions

- Grievance procedure
  - May contain binding arbitration within scope of bargaining
- Definitions
- Contract interpretation provisions
- Non-subject provisions that are not impermissible

Compliance Rubric : Impermissible Items

- MOUs not pursuant to a Board order or permitted by the Compliance Officer
- Any subject other than salary, wages, or salary and wage related fringe benefits
- Provisions that conflict with
  - any right or benefit established by federal or state law
  - school employee rights as set forth in IC 20-29-4-1, 2
  - school employer rights set forth in IC 20-29-4-3
  - restructuring options available as described in IC 20-29-6-2(a)(4)
  - the school employer's ability to work with an education entity as provided in IC 20-29-6-2(a)(5)

COMPLIANCE RUBRIC

COMPENSATION PLAN

COMPLIANCE RUBRIC – COMPENSATION PLAN

- Existence of a compensation plan (unless in transition year)
- Compensation plan clearly defines eligibility
- Compensation plan uses 2-4 statutory factors (evaluation, education and experience, leadership, academic needs)
- Education and experience does not exceed more than 33% of increase calculation
- Compensation plan includes definitions of the factors
- Compensation plan either includes a defined amount, or calculation of, increases or provides for redistribution of increases for those rated ineffective or needs improvement

COMPLIANCE: WHERE DO I BEGIN?

- Read Law
- Review D.O.E. Compensation Model
- Review IEERB Website – Practitioner’s Guide
- Review Sample of Collective Bargaining Agreements/Gateway
- Evaluate Your Current CBA by Using IEERB Compliance Rubric

EXISTENCE OF A COMPENSATION PLAN (UNLESS IN TRANSITION YEAR)

- CBA Must Include a Compensation Plan that Specifies:

  -How Teacher's are Paid/Calculation for Salaries

  -Range for Teacher's Salaries Including the Starting Amount

- Pre – April 2011 Contracts

  -How do they transition

  - Is the evaluation plan compliant?

- Compensation Plan Must be Submitted to D.O.E.

- D.O.E. Publishes Compensation Plans

NEW TEACHER SALARY LANGUAGE

- CBA Must State How Salary is Determined

- How contracts have changed?

  - More language about recruiting hard to fill positions and salary flexibility for new hires

- Examples; flat dollar amount, new teacher salary ranges and salary schedules for new teachers

- Language –some language prohibits restoring experience after employment

Compensation Plan Clearly Defines Eligibility

- A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be re- allocated for compensation of all teachers rated effective and highly effective.

Compensation Plan Uses 2-4 Statutory Factors

- IC 20-28-11.5→Each school corporation shall develop a plan for annual performance evaluations for each certificated employee (as defined in IC 20-29-2-4). A school corporation shall implement the plan beginning with the 2012-2013 school year
- A plan must include the following components:

-Performance evaluations for all certificated employees, conducted at least annually

- An annual designation of each certificated employee in one (1) of the following rating categories:

(A) Highly effective
(B) Effective
(C) Improvement necessary.
(D) Ineffective

-A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.

EDUCATION AND EXPERIENCE
DOES NOT EXCEED MORE THAN 33% OF INCREASE CALCUATION

- IC 20-28-9-1 provides the contours for Compensation Plans.
- Increase or increments in a salary schedule must be based on a combination of the following factors:

  - **Education** (additional content area degrees/hours) and experience. Note: this factor may not account for more than 33% of the calculation used to determine a teacher's increase or increment
  - **Evaluation** results
  - Assignment **of instructional leadership** roles
  - **Academic needs of students** in the corporation

COMPENSATION PLAN INCLUDES DEFINITIONS OF FACTORS

- Local Compensation Plan Must Include a definition of the factors used in the Compensation Plan:

  - Education and Experience
  - Evaluation Results
  - Academic Needs of Students in the Corporation
  - Assignment of Instructional Leadership Roles

2013-2014 Compensation Plan Data

Salary	Used	Did Not Use	Range	%	Exceeds 33%
Education/ Experience	179	125	2.4	100	55
Evaluation	159	145	10	100	
Academic Needs	31	273	2	70	
Leadership	42	262	5	80	

School Evaluation

Each school corporation shall develop a plan for annual performance evaluation as set forth in IC 20-28-11.5-4

DISCUSS

Evaluation Results

1. Highly Effective
2. Effective
3. Needs improvement
4. Ineffective

Compensation Model

1) Education & Experience (33%)
2) Evaluation
3) Academic Needs
4) Instructional Leadership

BARGAIN

Increases

Base

Stipend

Combination

COMPENSATION PLAN EITHER INCLUDES A DEFINED POT, OR CALCULATION OF POT OF MONEY FOR TEACHERS FACTORS AND REDISTRIBUTION

- Defined Amount of Money to be Bargained
- A Calculation Such as a Formula or Percentage
- Flat Dollar Amount Per Teacher + Any Redistributed Funds

IEERB Resources

- Bargaining Reminders

- IEERB website
  - Laws & Rules
  - Practitioner’s Guide to Impasse
  - Practitioner’s Guide to Collective Bargaining Agreements
  - IEERB Search
  - Bargaining Timeline
  - Bargaining Status Forms
  - LBO Requirements/Sample

- Gateway
  - All CBAs
  - Access to state-wide information on teacher salary, wages, benefits

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