



STATE OF INDIANA

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INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD

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To: Bargaining Parties & Stakeholders
From: Stacey Hughes, Executive Director
Jake May, General Counsel
Date: September 2, 2020

2020 Bargaining & Compliance Reminders

(items in blue are clickable links)

All 2020 IEERB training is available on the [Newsroom](#) page of the IEERB website.

Due Dates: (All corporations must complete all [Gateway](#) data collections)

- September 15: Exclusive Representative must submit a membership affidavit to employers
- October 1: School employers must upload the membership affidavit into Gateway
- November 16: Bargaining Status Form is due in Gateway
- November 16: All CBAs must be signed, ratified, and uploaded in Gateway to avoid impasse
- July 30, 2021: Collective Bargaining Report is due in Gateway

Collective Bargaining & Compliance

- **Remember to host the public hearing and meetings prior to bargaining and ratification!** Read the [2020 Public Hearing and Meetings Guidance](#).
- Not complying with these requirements could result in a complaint filed with the PAC, an unfair labor practice (ULP) with IEERB, or both. If both are filed, IEERB will stay its ULP until the PAC issues its advisory opinion. See IEERB Nonrule Policy Document No. 2019-3.
- Anyone can file a complaint with the PAC for failing to meet the requirements for a public meeting under the ODL. Guidance on how to file a complaint with the ODL can be found at the website for the PAC, <https://www.in.gov/pac/>.
- A ULP filed with IEERB can only be filed by a school employer or a school employee who believes that the employer or employee is aggrieved by an unfair practice. An unfair practice is defined, in part, as a failure to comply with any provision of Ind. Code § 20-29. Therefore, any complaint filed with IEERB alleging a failure to comply with the public hearing requirement of Ind. Code § 20-29-6-1 or the public meeting requirements of Ind. Code § 20-29-6-19 will be treated as a ULP case. Guidance on ULPs and how to file one can be found on the ULP page of IEERB's website.
- MOUs ratified prior to bargaining and impact the 20-21 school year must be included in the contract
- If you negotiated a 2 year CBA that contained a provision to renegotiate certain financial terms for the second year of the CBA and agreed not to renegotiate, then upload a ratified statement of the agreement (to continue the terms of the current agreement) and the CBA as a PDF file in the Gateway Contract Uploads app
- Operations referendum and School safety referendum are part of bargaining revenue for deficit financing calculations
- [Complete the Compliance Checklist](#) and upload with your CBA
- [2020 CBA Compliance Rubric](#)
- [2020 Practitioner's Guide to Bargaining and Impasse](#)
- [IEERB Compliance webpage \(including model compensation plans\)](#)
- [Bargaining Season timeline](#)

Impasse

- IC 20-29-6-3(c) Money in a school's operations fund cannot be used to fund a teacher contract unless the governing body passes a resolution before September 15 indicating that a portion or percentage of money transferred from the operations fund revenue is for the purpose of funding a contract

Unfair Labor Practice

- IC 20-29-7-5 IEERB may assess a civil penalty of at least \$500 but not more than \$5,000 for certain unfair labor violations

Research

- **NEW:** IC 20-29-3-15 additional question in the collective bargaining report used to prepare the annual school employee compensation report (vacant teaching positions by: grade level and/or subject and required teaching credential)
- Now available! 2019-2020 Collective Bargaining Report ([individual corporation](#) and [statewide](#))