



# 2021 MOU Overview

Jake May  
IEERB General Counsel





# What is an MOU?

- Memorandum of Understanding
- Defined in 560 IAC 2-1-2(14) as any agreement ratified by both the school employer and exclusive representative that changes or modifies the terms of the CBA





# What is the scope of an MOU?

- Just like the CBA it modifies, an MOU's scope is limited to bargainable subjects:
  - Salary
  - Wages
  - Salary and Wage related fringe benefits





# When is an MOU required?

- Any time the parties bargain a deviation from, or supplement to the terms agreed upon in the CBA, it must be memorialized in an MOU.
- So, whether you need an MOU depends on whether the CBA already contemplates what you're trying to achieve.
  - Examples: Grant based stipends, virtual instruction wages, employer health insurance contributions





# When may parties bargain an MOU?

- During the formal bargaining period (September 15 – November 15)
- Outside the formal bargaining period, in either of the following circumstances:
  - New info / unanticipated event not known at CBA ratification; or
  - IEERB issued nonrule policy guidance re: unanticipated circumstances impacting multiple parties





# MOU Compliance

- Timing: During formal bargaining or subject to exception
- MOU Terms: Same compliance requirements applicable to CBAs
- Pre-approval is available upon request by emailing draft and written explanation to [compliance@ieerb.in.gov](mailto:compliance@ieerb.in.gov)
  - Remember to copy other party on your email request





# MOU Submission

- Must be signed (ratified) by a representative of each party
  - Usually Association President and School Board Member(s)
- Ratification dates required
- If outside formal bargaining period, parties must draft written statement of why MOU is needed, and how it meets one of the exceptions





## MOU Submission (continued)

- MOU and written statement must be emailed to [ratifiedcontracts@ieerb.in.gov](mailto:ratifiedcontracts@ieerb.in.gov) w/i 10 business days of ratification
- Attach to corresponding CBA and reupload to Gateway
- Add MOU to corporation website in the same place the CBA is published
- Review subsequent Compliance Report or Addendum for any issues







# Additional MOU Guidance

- Review the MOU Quick Reference Guide at [in.gov/ieerb](http://in.gov/ieerb)
- Review the CBA Compliance Rubric
- Email [questions@ieerb.in.gov](mailto:questions@ieerb.in.gov) and request technical assistance
- Email [compliance@ieerb.in.gov](mailto:compliance@ieerb.in.gov) (copy bargaining counterpart) and request pre-approval of a tentative MOU
- Keep an eye out for updates from IEERB, including the possibility of a more streamlined submission process that we hope to implement in the future

