



INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD

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2021 Quick Reference Guide to Memoranda of Understanding (MOU's)¹

A Memorandum of Understanding (MOU) may be used to change or supplement a CBA.

- I. **Time.** The MOU must be bargained within the formal bargaining timeframe (September 15 - November 15), unless:
 - A. The MOU is in response to newly discovered information or an unanticipated event that was not known or available at the time the parties ratified the original CBA; or
 - B. The MOU is authorized by a non-rule policy document (<https://www.in.gov/ieerb/2334.htm>).
- II. **Content.** The terms of the MOU are subject to the same bargaining requirements and restrictions as the CBA. A MOU is required upon any change in salary, wages or benefits.
- III. **Procedure.** Both parties, including the governing body of the school employer, must ratify the MOU and submit it to IEERB as indicated below.
 - A. Within 10 business days of ratification, the parties should email the ratified MOU, along with a written explanation of need for the MOU to ratifiedcontracts@ieerb.in.gov. *The other party should be copied on these email submissions.*
 - B. The ratified MOU must be attached to the ratified CBA and uploaded to Gateway (<https://gateway.ifionline.org/>) as a single .pdf file. (TIP: Click "Reset Upload" on the Contract Upload page.)
 - C. The MOU, like the CBA, must be posted on the corporation's webpage within 14 business days of ratification.
- IV. **Pre-Approval.** At the parties' request *prior to ratification*, IEERB will review the parties' *final draft* of a tentative MOU and advise the parties whether it satisfies bargaining requirements.
 - A. Parties should send the request to compliance@ieerb.in.gov.
 - B. The request should include an unsigned copy of the proposed MOU, as well as a written explanation of why the MOU is necessary.
 - C. The party sending the request should include their bargaining counterpart on the email, so that both the school employer and exclusive representative are involved.
 - D. IEERB will acknowledge receipt and provide additional information at that time.

¹ See IEERB's "2020 Guide to CBA Compliance" for additional information and guidance.