

School District Collective Bargaining

PELRA requires public employers and employees to negotiate terms and conditions of employment

The Public Employment Labor Relations Act (PELRA) establishes state collective bargaining laws that govern Minnesota public employers and representatives of unionized public employees ([Minn. Stat. §§ 179A.01-179A.25](#)). Under PELRA, public employers and representatives of public employees must negotiate terms and conditions of employment. Negotiated terms and conditions include hours of employment, fringe benefits, and personnel policies affecting employee working conditions. While most retirement benefits are not negotiable, school districts may negotiate contributions to premiums for group insurance coverage of retired employees and severance pay provisions. School district education policies are not part of these teacher negotiations. Public employers need not negotiate inherent managerial policies, such as budget matters, technology use, organizational structure, and the direction, number, and selection of personnel.

Most school district employees have the right to bargain collectively

Most people employed in a school district, including teachers, principals, and nonlicensed staff, have the right to bargain collectively. Employees who choose not to organize do not have access to statutory bargaining protections. PELRA excludes school superintendents and certain part-time and temporary employees, and these excluded employees do not have the right to bargain collectively. PELRA does not apply to independent nonpublic contractors or their employees who provide pupil transportation, food service, or other contracted services to a school district.

PELRA organizes public employees into bargaining units, who represent them in contract negotiations

PELRA specifies criteria for determining appropriate bargaining units. For school districts, the law places all teachers in a district in one bargaining unit. If principals and assistant principals organize, they are in a different bargaining unit. There are considerable variations among school districts in bargaining units for nonlicensed employees.

The Commissioner of the Bureau of Mediation Services is responsible for many administrative tasks under PELRA. The commissioner uses statutory criteria to determine appropriate bargaining units. The commissioner certifies exclusive representatives of employees, in most cases after an election. Currently, Education Minnesota is certified to represent bargaining units of licensed K-12 teachers in all Minnesota school districts.

Employees need not join a union. But PELRA requires the exclusive representative to represent both members and nonmembers, and lets unions impose a “fair share” fee of up to 85 percent of regular membership dues for services the union provides to all people the union represents.

Teachers' employment agreements are for a two-year term

Under PELRA, the length of a contract term is negotiable but must not exceed three years. However, PELRA requires teachers' collective bargaining agreements to be for a two-year term, beginning July 1 in an odd-numbered year. Teachers' collective bargaining agreements must establish teachers' compensation, including fringe benefits, for the entire two-year term and must not contain a wage reopening clause or other provision for renegotiating teachers' compensation during the two-year term.

PELRA provides several alternatives for resolving an impasse over contract terms

PELRA provides several alternatives for resolving an impasse between negotiating parties on contract terms:

- Either the school district or the exclusive representative of the teachers may ask the commissioner to provide nonbinding mediation to try to resolve a disagreement, and this frequently occurs.
- For essential employees (principals and assistant principals), either party can require the use of binding arbitration to decide contract terms after an impasse in bargaining has occurred. For other employees (teachers and nonlicensed employees), binding arbitration occurs only if the school board and the exclusive representative mutually agree on arbitration.
- Essential employees cannot strike. For others, the opportunity to strike exists if certain conditions are met: the collective bargaining agreement has expired, the parties participated in mediation over a period of at least 30 days, and no party requested interest arbitration or binding interest arbitration was rejected; or the employer refused to comply with a valid decision of a binding arbitration panel or arbitrator; and sufficient and timely notice was given.

Continuing contract laws establish procedural requirements and substantive grounds for terminating a teacher

Two statutory sections separate from PELRA govern probationary and continuing employment for licensed K-12 teachers in school districts generally ([Minn. Stat. § 122A.40](#)) and in the three first-class city school districts of Minneapolis, St. Paul, and Duluth ([Minn. Stat. § 122A.41](#)). These tenure or continuing contract statutes establish procedural requirements and substantive grounds such as inefficiency or neglect of duties for terminating a teacher's employment. These statutes allow a school board and the exclusive representative of the teachers to negotiate a plan for unrequested leaves of absence due to teacher cutbacks; statute and case law control if a plan is not negotiated. Collective bargaining agreements must not conflict with the substance of these statutes but may alter the statutory unrequested leave of absence provisions.

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