

## **PELRA governs labor relations for school district employees**

The Public Employment Labor Relations Act (PELRA) governs labor relations for state and local government employees in Minnesota ([Minn. Stat. ch. 179A](#)), including school district employees. PELRA also applies to charter schools. It does not apply to independent nonpublic contractors or their employees who provide transportation, food service, or other contracted services to a school district. PELRA provides criteria for grouping employees into bargaining units, the scope of collective bargaining, and procedures for resolving labor disputes.

Two state agencies are responsible for administrative tasks under PELRA: the Bureau of Mediation Services (BMS) and the Public Employment Relations Board (PERB). The BMS determines appropriate bargaining units, certifies exclusive representatives of employees, and provides alternative dispute resolution in negotiations and grievances. The PERB investigates and resolves complaints of PELRA violations brought by public employers or unions.

Most school district employees, including teachers and principals, have the right to bargain collectively with the school board. Superintendents and certain part-time and temporary employees do not have the right to bargain under PELRA.

## **Bargaining units are determined by employees' job descriptions**

The BMS uses criteria specified in PELRA to determine an employee's appropriate bargaining unit. All teachers with a tier 2, 3, or 4 license in a school district are in the same bargaining unit. Teachers with a tier 1 license, which is more limited in duration and scope than the other tiers, must be in a separate bargaining unit than teachers with the higher levels of licensure. 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, such as educational aides and food service workers.

## **A school district employee is not required to join a union**

The members of a bargaining unit may select a union as the employees' exclusive representative. An employee may join the union, and pay fees to cover the costs of negotiating the contract and processing grievances, as well as the union's political activities. An employee is not required to join the union. In 2018, the United States Supreme Court held that an employee cannot be required to pay union fees and that consent to paying union fees must be clear and affirmative. The union contract governs the terms and conditions of employment of all members of the bargaining unit regardless of whether an employee in the unit has joined the union or paid union fees.

## **Collective bargaining agreements govern the terms and conditions of employment**

Public employers must negotiate terms and conditions of employment with the unions including hours of employment, fringe benefits, and personnel policies affecting working conditions. While most retirement benefits are not negotiable, school boards may negotiate contributions to premiums for group insurance coverage of retired employees and severance pay provisions. School district education policies are not part of teacher negotiations. School boards need not negotiate inherent managerial

policies such as budget matters, technology use, organizational structure, and the direction, number, and selection of personnel.

Teachers' collective bargaining agreements must have two-year terms beginning July 1 in an odd-numbered year. Other collective bargaining agreements may have terms of up to three years. Teachers' 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 authorizes teacher strikes**

Parties may resolve a bargaining impasse through mediation, arbitration, or a strike:

- Either the school board or the union may ask the commissioner to provide nonbinding mediation to try to resolve a disagreement.
- For essential employees (principals and assistant principals), either party can trigger binding arbitration to decide contract terms after reaching an impasse in bargaining. For other employees (teachers and nonlicensed employees), binding arbitration occurs only if the school board and the union mutually agree on arbitration.
- Essential employees cannot strike. Nonessential employees may strike under certain conditions. Teachers may strike in two situations. The first occurs when: (1) the collective bargaining agreement has expired or the parties have reached impasse in negotiating an initial agreement; (2) the parties participated in mediation over at least 30 days; and (3) no party requested arbitration or one party rejected arbitration. The second occurs when the employer refuses to comply with an arbitration decision. All employees, including teachers, must provide sufficient and timely notice of a strike.

### **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 tier 3 and 4 teachers in school districts. The tenure statute applies to the four first-class city school districts of Minneapolis, St. Paul, Duluth, and Rochester ([Minn. Stat. § 122A.41](#)), while the continuing contract statute ([Minn. Stat. § 122A.40](#)) applies to all other school districts. These statutes establish procedural requirements and substantive grounds, such as inefficiency or neglect of duties, for terminating a teacher's employment and require a school board and the union to negotiate a plan for unrequested leaves of absence due to teacher cutbacks. The probationary and continuing contract statutes do not apply to tier 1 and 2 teachers.



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