

Subjects of Bargaining

MANDATORY, PERMISSIVE & ILLEGAL SUBJECTS

The law is specific on this question. The association may bargain over “wages, hours, terms and conditions of employment” referenced in the labor act. The Illinois Educational Labor Relations Board and the courts have divided potential subjects of bargaining into three types: mandatory, permissive, and prohibited subjects of bargaining.

Mandatory Subjects

The question of whether a subject is a mandatory subject of bargaining is based on the facts of the specific situation. What may be mandatory in one situation may not be mandatory in another. However, based upon labor board decisions, certain issues have generally been accepted as required (or mandatory) subjects of bargaining. This means the employer cannot refuse to discuss these subjects or make a decision surrounding these subjects without first engaging in good faith bargaining with the Association. Mandatory subjects of bargaining include, but are not necessarily limited to, the following:

Wages

- Salary
- Early retirement bonuses
- Extracurricular pay
- Health insurance
- Compensatory time for overtime
- Mileage and stipends

Hours

- Hours of employment
- Length of work year
- Required meeting
- In-Service day
- Length of workday
- Lunch period
- Parent conferences
- Number and length of teaching periods
- Release time for committee work

Other Terms and Conditions

- Class size
- Addition or elimination of extra-duty positions
- Establishment of new bargaining unit classifications
- Evaluation procedures
- Assignment of extra-curricular activities
- Grievance procedure, including binding arbitration
- Job bidding procedures
- No strike clause during life of the Agreement
- Parking
- Promotions
- Reclassification of positions for economic reasons
- Impact of reorganization on employees
- Impact of Reduction in Force (RIF) and restructuring

- School calendar
- Subcontracting of bargaining unit work
- Transfers
- Transfer of bargaining unit work to administrators
- Leaves and leave requirements
- Workload

Permissive Subjects

In addition to the mandatory subjects of bargaining listed above, the labor act, labor board and court rulings also allow for additional bargaining which is permitted (but is not considered mandatory). This means the employer and/or the association may agree, or not agree, to discuss certain subjects. The employer may or may not make unilateral decisions regarding these subjects. However, if the Employer's decision affects wages, hours or other terms and conditions of employment, the association may bargain the impact of that decision. Permissive subjects include, but are not limited to, the following issues:

- Evaluation criteria
- Exclusions from arbitration
- Extending or reducing hours of operation
- Negotiation ground rules
- Reorganization decisions
- Broad waiver of mid-term bargaining

Prohibited Subjects

Certain laws, the court's interpretation of laws, the labor act and the labor board's interpretation of the act do not allow the employer or the association to bargain certain subjects. These prohibited subjects include the following:

- Hiring
- Changing inter-district to intramural activities
- Just cause K-12 tenure teacher dismissal
- Notice to Remedy for K-12 teachers
- A policy that allows smoking on school grounds
- Provisions that would be in violation of, inconsistent with, or in conflict with, any statute enacted by the Illinois legislature, or any provisions that negate, diminish or limit any employee rights, guarantees or privileges provided by law

In looking at potential topics for negotiations, the good news is the longest list falls under "Mandatory Subjects." There are very few topics that can't be bargained! You are limited more by imagination than by law or regulations. Your UniServ Director is a valuable resource in helping you and your team determine bargaining topics.