

## Overview

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.<sup>1</sup> PELRA provides criteria for grouping employees into bargaining units, the scope of collective bargaining, and procedures for resolving labor disputes. This publication summarizes how PELRA applies to collective bargaining in the school district context, focusing on statutory provisions specific to school district employees.

## Collective bargaining agreements establish most school district employees' terms and conditions of employment

A district's school board is the "employer" for purposes of collective bargaining and is required to negotiate in good faith regarding grievance procedures and terms and conditions of employment. Most school district employees, except for superintendents and certain part-time and temporary employees, have the right to bargain collectively with the school board. PELRA does not apply to independent nonpublic contractors or their employees who provide transportation, food service, or other contracted services to a school district.

While most provisions in PELRA apply to all employees that meet the definition of "public employee",<sup>2</sup> certain provisions in PELRA for school district employees differ from the defaults for other public employees, or are specific to school district employees. These include:

- **Mandatory subjects of bargaining.** PELRA requires bargaining over the "terms and conditions of employment," a defined term that includes specific issues that must be bargained in the case of school employees.
- **Definitions of certain positions.** PELRA generally does not define positions, instead defining categories of employees, such as "supervisory employee." However, the statute defines "teacher," "principal," and "assistant principal."
- **The duration of teacher contracts.** 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

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<sup>1</sup> Although charter schools are organized as nonprofit organizations, PELRA also applies to charter schools.

<sup>2</sup> "Public employee" and other definitions of terms used in PELRA are provided in [Minnesota Statutes, section 179A.03](#).

must establish teachers' compensation for the entire two-year term and must not contain a provision for renegotiating teachers' compensation during the two-year term.

- **Strike limitations and requirements.** PELRA authorizes strikes by all covered employees under certain circumstances, except "essential employees"<sup>3</sup>, and requires notice of intent to strike. Teachers may strike, but some requirements differ from those that apply to other public employees. The notice to strike requirements are also different for teachers.<sup>4</sup>

## **Bargaining units are determined by employees' job descriptions and other relevant factors**

PELRA specifies the criteria that determine an employee's appropriate bargaining unit, including the job duties, responsibilities, and authority of the position, and other relevant factors like location, history of collective bargaining, and extent of organization of the employees in a proposed bargaining unit. All teachers in a school district whose positions require a teacher license are in the same bargaining unit. For purposes of collective bargaining, a "teacher" also means:

- 1) a school district physical therapist, occupational therapist, art therapist, music therapist, or audiologist; and
- 2) a person in a position creating and delivering instruction to children in a school-based early education program; however, some early education teachers may be in a separate bargaining unit if the unit was certified before January 1, 2023.

If principals and assistant principals organize, they are in a different bargaining unit. Bargaining units for nonlicensed employees, such as educational aides and food service workers, vary considerably among school districts.

## **An exclusive representative bargains with the school board on behalf of the bargaining unit**

The members of a bargaining unit may select an exclusive representative through the process outlined under PELRA to bargain with the employer on their behalf. Once the Bureau of Mediation Services (BMS) has certified an employee organization (generally known as a union) as the "exclusive representative" of a bargaining unit, the employer must meet and negotiate with the exclusive representative on the mandatory subjects of bargaining.

An employee may join the union and pay union fees to cover the costs of negotiating the contract and processing grievances, as well as the union's political activities. A school district employee is not required to join the union and cannot be required to pay union fees. The

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<sup>3</sup> "Essential employees" are listed in [Minnesota Statutes, section 179A.03](#), subdivision 7. The list includes firefighters and peace officers as well as principals and assistant principals.

<sup>4</sup> [Minnesota Statutes, section 179A.18](#).

collective bargaining agreement 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 exclusive representatives, including hours of employment, fringe benefits, staffing ratios, and personnel policies affecting working conditions.<sup>5</sup> School districts must also negotiate adult-to-student ratios in classrooms, student testing, and student-to-personnel ratios. 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 union negotiations. School boards are not required to negotiate inherent managerial policies such as budget matters and organizational structure.

Some Minnesota Statutes outside of PELRA also require collective bargaining or consultation, including:

- [Section 120A.414](#), requiring districts to negotiate with the exclusive representative of teachers before adopting an e-learning day plan. During an e-learning day, a school offers full access to online instruction provided by students' individual teachers due to inclement weather.
- [Section 121A.642](#), requiring districts to consult the exclusive representative for paraprofessionals before creating or planning certain required training.

## **PELRA authorizes strikes**

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

Either the school board or the union may ask the commissioner of the BMS to provide nonbinding *mediation* to try to resolve a disagreement.

For essential employees (principals and assistant principals), once the parties reach an impasse in bargaining, either party can trigger *arbitration*, where an arbitrator makes a final decision on contract terms. For other employees (teachers and nonlicensed employees), the school board and the union must mutually agree to arbitration and the issues to be submitted to arbitration.

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<sup>5</sup> Collective bargaining agreements also contain grievance procedures that apply to employee discipline and must include binding arbitration of disputes and violations of the agreement. However, two separate statutes ([Minn. Stat. §§ 122A.40](#) and [122A.41](#)) establish procedural requirements and substantive grounds for terminating a teacher in a school district. For more information, see the House Research publication, [Conditions of Continuing Employment](#).

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 an impasse in negotiating an initial agreement with a new or different exclusive representative;
- 2) the parties participated in mediation over at least 30 days; and
- 3) no party requested arbitration or rejected arbitration.

The second occurs when the employer refuses to comply with an arbitration decision. All employees, including teachers, must provide notice of a strike. [Minnesota Statutes, section 179A.18](#), subdivision 3, outlines the notice requirements, including timelines. Essential employees may not strike.



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