



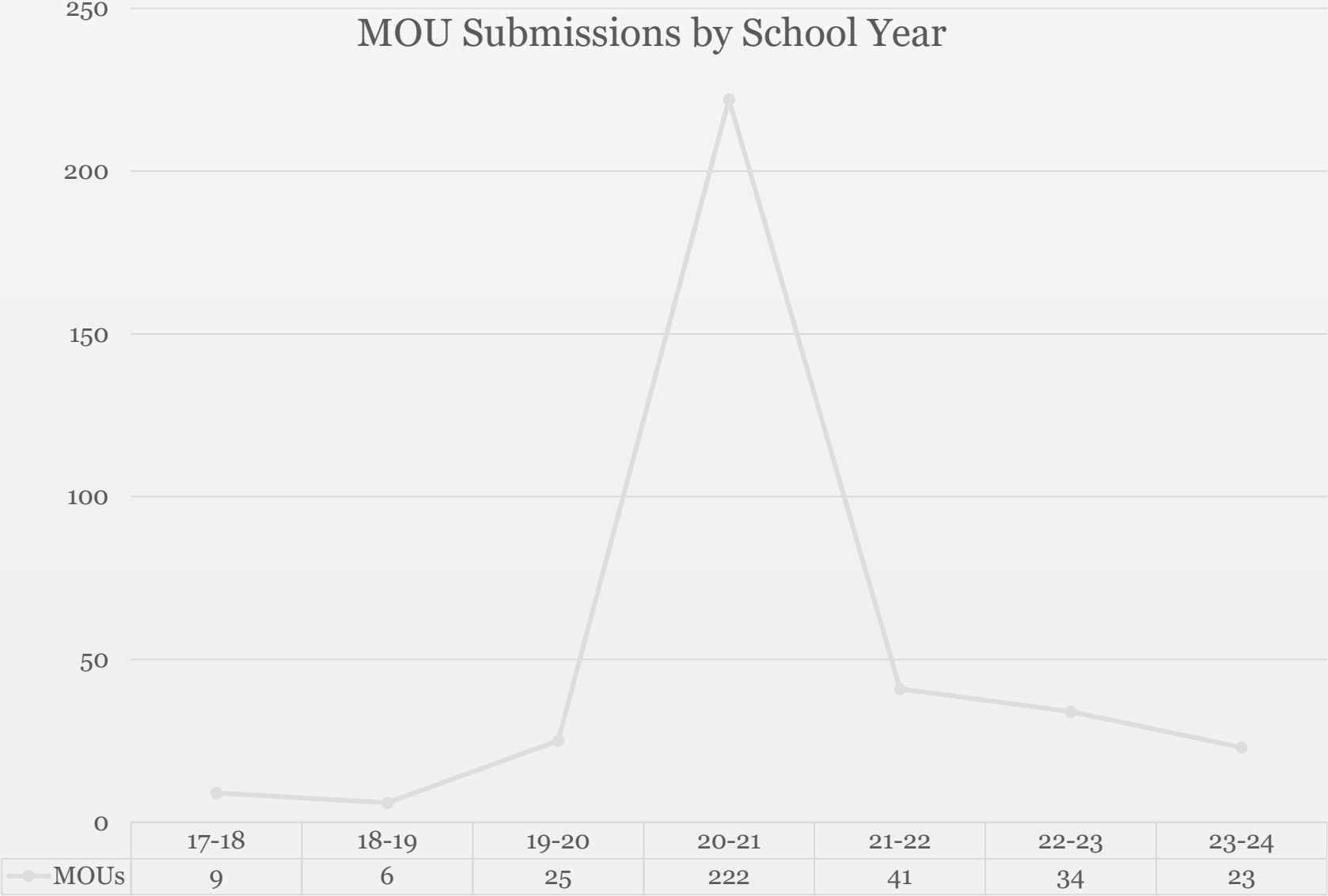
2024 MOU Overview

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What is an MOU?

- “Memorandum of Understanding”
- Term of Art
- Defined in 560 IAC 2-1-2(14)
 - any agreement ratified by both the school employer and exclusive representative that changes or modifies the terms of the CBA

MOU Submissions by School Year



When do you need an MOU?

- Any time the parties bargain a deviation from, or supplement to the terms agreed upon in the CBA, it must be memorialized in an MOU
- Whether you need an MOU depends on whether the CBA already contemplates what you're trying to achieve
 - Examples: Grant based stipends, virtual instruction wages, employer health insurance contributions

When do you need an MOU?

- Example: In response to post-Olympic interest in women's wrestling, school decides to add women's wrestling as a new ECA after ratifying and submitting CBA.
 - Question: Do you need an MOU to reflect the bargained wage for the coach of this new ECA?
 - Answer: It depends on your CBA terms.
- Scenario #1: The ECA Schedule in the CBA identifies wages for positions of "high school wrestling" and "middle school wrestling."
 - In this case, the CBA does not specify Men's/Women's for the wrestling positions, so the school can simply pay the women's wrestling coach the pay that is already identified in the ECA without needing an MOU.
- Scenario #2: The ECA Schedule identifies wages for the positions of "men's wrestling."
 - In this case, the use of an MOU would be appropriate to supplement the existing terms of the CBA.

When is an MOU allowed?

- During the formal bargaining period (September 15 – November 15)
- Outside the formal bargaining period, in either of the following circumstances (560 IAC 2-8-4(d)):
 - Newly discovered information / unanticipated event not known at CBA ratification; or
 - IEERB issued nonrule policy guidance re: unanticipated circumstances impacting multiple parties

What is the scope of an MOU?

- Just like the CBA it modifies, an MOU's scope is limited to bargainable subjects:
 - Salary
 - Wages
 - Salary and Wage related fringe benefits

How should you draft your MOU?

- Describe amendment of CBA provisions
 - Useful with simple changes to specified amounts or percentages
- Supplement CBA provisions
 - Useful with stand-alone additions to CBA terms
- Restate CBA provisions as amended
 - Useful with complex revisions to specified CBA terms
 - aka Supersede and Replace

MOU Compliance

- Timing: During formal bargaining or subject to exception
- MOU Terms: Same compliance requirements applicable to CBAs
- Pre-approval is available upon request by emailing draft and written explanation to compliance@ieerb.in.gov
 - Remember to copy other party on your email request
 - Include desired turnaround time
 - Leave yourself some time for changes
- Compliance findings/comments are issued in subsequent CRR or in Addendum if CRR already issued

RESOURCE: [2024 MOU Quick Reference Guide](#)

MOU Submission

- Must be signed (ratified) by a representative of each party
 - Union President
 - School Board Member(s)
- Ratification dates required
- If outside formal bargaining period, parties must draft written statement of why MOU is needed, and how it meets one of the exceptions

RESOURCE: [2024 MOU Quick Reference Guide](#)

MOU Submission (continued)

- Gateway upload
 - MOU and written statement must be uploaded through MOU module
 - No longer attached to CBA and reuploaded
- Submission must occur within 10 business days of ratification
 - See 560 IAC 2-8-4(b) re: prior approval penalty for failure to submit
- MOU must be posted on corp. website within 14 business days of ratification
 - Put it in the same place the CBA is published
- Submissions emailed to ratifiedcontracts@ieerb.in.gov will still be accepted
 - BUT school employer will need to follow up with Gateway upload
- Review subsequent Compliance Report or Addendum for any issues

RESOURCE: [2024 MOU Quick Reference Guide](#)

Why should MOUs be avoided?

- Remember that all bargaining should occur during the formal bargaining period
 - Exceptions should be rare
- MOUs can be time intensive and require action of governing body
- Risk of noncompliance
- Can lead to complacency during formal bargaining

How can MOUs be avoided?

- Anticipate future needs
- Consider the status quo period
- Build flexibility into CBA provisions
 - Catch-all terms
 - Conditional terms
- Incorporate continuing MOU terms into body of subsequent CBA
 - MOU expires along with the CBA it modifies

Additional MOU Guidance

- Review the [2024 MOU Quick Reference Guide](#) at in.gov/ieerb
- Review the [2024 CBA Compliance Rubric](#)
- Email questions@ieerb.in.gov and request technical assistance
- Email compliance@ieerb.in.gov (copy bargaining counterpart) and request pre-approval of a tentative MOU

Thank You!