

## SUMMARY OF STATE STATUTORY PROVISIONS REGARDING SCOPE OF COLLECTIVE BARGAINING\*

State	Mandatory Subjects of Bargaining	Permissive Subjects of Bargaining	Prohibited Subjects of Bargaining
Alaska	<p><i>By statute</i> - Wages, hours &amp; other terms &amp; conditions of employment ("W, H, T &amp; C") including compensation, fringe benefits &amp; personnel policies.</p> <p><i>By caselaw</i> - Recognition &amp; grievance procedures, salary schedules &amp; conditions; extra-curricular activities &amp; duties; professional development; life, health &amp; liability insurance; automobile allowances &amp; reimbursements for physical examinations.</p>		<p><i>By statute</i> - Reemployment rights for injured state employees &amp; the organized militia, the authority of Health &amp; Human Services to assign work to public assistance recipients &amp; the authority of agencies to create temporary positions.</p> <p><i>By caselaw</i> - Relief from non-instructional chores; class size &amp; teacher load; evaluation of administrators; number of teachers' aides, paraprofessionals, specialists; the school calendar.</p>
California All K-12 Employees	<p><i>By statute</i> - W, H, T &amp; C including health &amp; welfare benefits under § 53200; leave, transfer &amp; reassignment policies; work safety; evaluation procedures; organizational security; class size; grievance processing procedures; layoff of probationary certified employees; &amp; alternative compensation programs for employees adversely impacted by pension limitations of Ed. Code § 22515.</p>	<p><i>By statute</i> - Disciplinary procedures other than for dismissals, layoffs due to lack of funds, additional pay based on factors other than years of experience or training. If no agreement reached, statutory provisions on these subjects apply.</p>	<p><i>By statute</i> - Consultation rights only as to employer's definition of educational objectives, course &amp; curriculum content, &amp; textbook selection.</p> <p><i>By caselaw</i> - Collective bargaining provisions cannot supersede terms of Education Code.</p>

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California Higher Education at U of C, Hastings Law & Cal. State	<i>By statute</i> - W, H, T & C.		<i>By statute</i> - The merits, necessity or organization of any school program, the amount of fees that are not a condition of employment & student admission requirements. In addition, at Cal. State & other colleges except the U of C, the criteria and standards for appointment, promotion & tenure of faculty as well as student graduation requirements. At U of C, the procedures & policies for appointment, promotion &/or tenure of members of the academic senate.
California Other Higher Educ. & Teachers Employed by State	<i>By statute</i> - W, H, T & C		<i>By statute</i> - The merits, necessity or organization of any service or activity provided by law or executive order.
Conn.  K-12 Teachers	<i>By statute</i> - W, H, T & C including length of teacher lunches & preparation periods.  <i>By caselaw</i> - Class size, teacher workload, binding arbitration for grievances, assignment to, & compensation for, extracurriculars.		<i>By statute</i> - Length of school year & day, length & number of parent-teacher conferences, scheduling of school day but impact bargaining on these subjects is permissible.

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Conn. K-12 ESP	<i>By statute</i> - W, H, T & C & certain aspects of newly established promotional processes including qualifications for exam, relative weight to be attached to exam & the use & determination of monitors for oral exams.		<i>By statute</i> - Conduct & grading of merit examinations, rating of candidates & the establishment of lists from examinations, & appointments from lists.
Conn. Higher Education	<i>By statute</i> - W, H, T & C		<i>By statute</i> - Conduct & grading of merit examinations, rating of candidates & the establishment of lists from examinations.
Delaware K-12 & Higher Education	<i>By statute</i> - W, H, grievance procedures & working conditions except insofar as any state law places those subjects within management's exclusive prerogative.	<i>By statute</i> - Matters of inherent managerial policy including the employer's functions & programs, standards of services, overall budget, utilization of technology, organizational structure, curriculum, discipline & the selection & direction of personnel.	
District of Columbia K-12 & Higher Education	<i>By statute</i> - W, H, health benefits, within grade increases, overtime pay, education pay, & other compensation matters except shift differentials & premium pay.	<i>By statute</i> - Management retains right to (i) direct employees; (ii) hire, promote, transfer, assign, retain & discipline for cause; (iii) relieve employees of duties for legitimate reasons including lack of work; (iv) maintain efficiency; (v) determine its mission, budget, organization, number of employees, position types & grades; (vi) decide on technology & internal security practices; & (vi) take necessary emergency actions. <i>By caselaw</i> - School starting date & holiday schedule.	<i>By statute</i> - Evaluation process & instruments for evaluating public school employees

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Florida  K-12, Comm. College & Higher Education	<i>By statute</i> - W, H, T & C including grievance procedures.	<i>By statute</i> - Management retains right to determine the purpose of agency, to set standards of service, to exercise control & discretion over its organization & operations & to relieve employees of work due to lack of work & other legitimate reasons.	
Hawaii  K-12, Comm. College & Higher Education Employees	<i>By statute</i> - W, H, T & C including contributions to public employees' health fund.	<i>By statute</i> - Length of school day & school year.	<i>By statute</i> - Classification & reclassification of positions, benefits provided by public health fund & retirement benefits (except as provided in CBPE § 88-8(h)). CBA can neither be inconsistent with merit principle nor interfere with employer's rights to (i) direct employees; (ii) determine qualifications; (iii) set standards of work; (iv) determine the nature & content of examinations; (v) make hiring, promotion, transfer, assignment, retention, suspension, demotion or disciplinary decisions for proper cause; (vi) relieve an employee from duty due to lack of work or other legitimate reason; (vii) maintain efficiency & productivity; (viii) determine methods, means & personnel by which operations will be conducted; & (ix) take necessary actions to carry out its mission in an emergency. Employer must "make every reasonable effort" to consult with employee representative on matters affecting employee relations.

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Idaho  K-12 Prof'l Employees	<i>By statute</i> - Matters over which parties have agreed to negotiate in their negotiating agreement.		<i>By statute</i> - Parties may not agree to any provision that conflicts with, or abrogates, the powers & duties vested by law in the legislature, state board of education, or local board of trustees of school districts.
Illinois  K-12, Comm. College & Higher Educ. Employees	<i>By statute</i> - W, H, T & C including grievance procedures.  <i>By caselaw</i> - Class size, subcontracting of unit work where employees had a reasonable expectation of performing the work, economically motivated layoffs, in-service days, addition of classes to school schedule & pay adjustments for extracurricular activities.	<i>By statute</i> - Matters of inherent managerial policy including the functions of the employer, standards of services, budget, organizational structure, selection of new employees & direction of all employees.	
Indiana  K-12 Prof'l Employees	<i>By statute</i> - W, H, & salary & wage related fringe benefits.	<i>By statute</i> - Employer obligated only to discuss, not bargain over, working conditions other than W & H & related benefits; curriculum development & revision; textbook selection; teaching methods; hiring, promotion, demotion, transfer, assignment, & retention of employees; student discipline, expulsion & supervision; pupil-teacher ratio; class size & budget appropriations.  <i>By caselaw</i> - School board can agree to cba provision providing for final & binding arbitration of disputes over dismissals including nonrenewals of nonpermanent teachers.	<i>By statute</i> - Cba provisions may not conflict with rights or benefits established by federal or state law including the employer's right to direct employees' work; establish policies & procedures; hire, promote, demote, transfer, assign, & retain employees; suspend or discharge employees as provided by law; maintain efficient operations; relieve employees of work due to lack of work, or other legitimate reason; & take necessary actions to carry out its mission.

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Iowa  All K-12, Comm. College & Higher Educ. Employees	<p><i>By statute</i> - W, H, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health &amp; safety matters, evaluation procedures, procedures for staff reduction, in-service training, dues checkoff authorization, grievance procedures.</p> <p><i>By caselaw</i> - Job classifications &amp; lost-time policies, transfer &amp; staff reduction procedures, evaluation procedures, including remediation proposals &amp; procedures for grieving evaluations, &amp; family health insurance coverage.</p>	<p><i>By caselaw</i> - The nature of the credit hours a teacher must earn to advance on a salary schedule, establishment of labor-management committees, the number of persons that may be on vacation at the same time, daily clothing allowances, severance pay &amp; reimbursement for unused sick leave.</p>	<p><i>By statute</i> - Employers retain the exclusive power, duty &amp; right to: (i) direct employees' work; (ii) hire, promote, demote, transfer, assign &amp; retain employees; (iii) suspend or discharge employees for proper cause; (iv) maintain efficiency of operations; (v) relieve employees of duties due to lack of work or other legitimate reasons; (vi) determine &amp; implement methods, means, assignments &amp; personnel by which operations are conducted; (vii) take necessary actions to carry out their mission; (viii) initiate, prepare, certify &amp; administer their budgets; &amp; (ix) exercise all legal authority.</p>

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Kansas  K-12 & Comm. College Prof'l Employees	<p><i>By statute</i> - "Terms &amp; conditions of professional service" including salaries &amp; wages; supplemental contract pay; hours &amp; amounts of work, overtime pay; vacation allowance, holiday, sick, extended, sabbatical &amp; other leave; retirement &amp; insurance benefits; wearing apparel; jury duty; grievance &amp; disciplinary procedure; resignations, termination &amp; non-renewal of contracts, re-employment of professional employees, terms &amp; form of individual contracts, probationary periods, employee appraisal procedures; privileges granted to an exclusive representative including voluntary payroll deductions, use of schools for meetings, use of school mail system &amp; reasonable leaves of absence for organization's representatives.</p> <p><i>By caselaw</i> - Subjects that fall within the topics specifically stated in the statute also constitute mandatory subjects of bargaining.</p>		<p><i>By statute</i> - Duration of the school year, any right or duty conferred or imposed by law on a public employer.</p>

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Kansas  K-12, Comm. College & Higher Education ESP & Other Higher Education Employees	<i>By statute</i> - Parties are obliged to meet & confer about all conditions of employment.		<i>By statute</i> - No agreement can alter federal, state, or home rule law, affect individual employees' rights under state bargaining law or the authority & power of any civil service commission or personnel board.  The bargaining statute neither circumscribes nor modifies employer's rights to (i) direct employees' work; (ii) hire, promote, demote, transfer, assign & retain employees; (iii) suspend or discharge employees for cause; (iv) maintain operational efficiency; (v) relieve employees of duties due to lack of work or other legitimate reasons; (vi) take necessary actions to carry out missions; (vii) determine the methods, means & personnel by which operations are to be carried out.
Maine  All K-12 Employees	<i>By statute</i> - W, H, working conditions & contract grievance arbitration.  <i>By caselaw</i> - Smoking policy, impact of non-negotiable changes on mandatory subjects.	<i>By statute</i> - Employer must meet & confer about educational policies but is not obliged to bargain other them.	
Maine Higher Education Prof'l & Support	<i>By statute</i> - W, H, working conditions & contract grievance arbitration.		
Maryland  K-12 Prof'l Employees	<i>By statute</i> Salaries, wages, hours & other working conditions.	<i>By statute</i> - All matters other than those designated by statute as mandatory or impermissible subjects.	<i>By statute</i> - School calendar, maximum number of students assigned to a class or any matter precluded by applicable statutory law.

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Maryland  K-12 Support Employees	<i>By statute</i> - Salaries, wages, hours & other working conditions.	<i>By statute</i> - All matters other than those designated by statute as mandatory or impermissible subjects. In addition, due process for discipline and discharge of non-certificated employees is a permissive subject.	<i>By statute</i> - School calendar, maximum number of students assigned to a class or any matter precluded by applicable statutory law.
Maryland  Higher Education Support Personnel	<i>By statute</i> - All matters relating to W, H, T & C.	<i>By statute</i> - State can't be required to negotiate over any matter that is inconsistent with applicable law, & may negotiate & reach agreement on such matters only on understanding that the agreement will be ineffective unless legislature changes the law.	<i>By statute</i> - The right of employee organization to receive service fees from non-members in the units they represent.
Mass.  K-12, Comm. College & Higher Educ. Employees	<i>By statute</i> - W, H, T & C including standards of productivity & performance, class size & teacher workloads.  <i>By caselaw</i> - Percentage employer contributes to health insurance, means of achieving a reduction in force, its timing, & impact; sabbaticals.		<i>By caselaw</i> - Number of people to be laid off.

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Michigan  All K-12, Comm. College & Higher Educ. Employees	<p><i>By statute</i> - W, H, T &amp; C.</p> <p><i>By caselaw</i> - The elements, procedures &amp; criteria for student &amp; departmental evaluations of teachers for purposes of reappointment, retention &amp; promotion of faculty.</p>	<p><i>By caselaw</i> - Duty to bargain does not include educational policy matters such as local school district's decision to transfer special education services to a particular school.</p>	<p><i>By statute</i> - Who will be the policyholder for employee group insurance benefits; school year starting day; the amount of pupil contact time required to receive full state aid; composition of site-based decision-making bodies; whether to allow inter-district or intra-district open enrollment; whether to act as an authorizing body to grant contracts to organize &amp; operate public school academies &amp;/or to grant leaves of absence to employees to participate in such academies; contracting with a third party for non-instructional services; use of volunteers in providing school services; use &amp; staffing of pilot or experimental programs; use of technology to deliver educational services, the staffing to do so, &amp; the impact of those decisions on employees; compensation or additional work assignments to allow an employee to recover any monetary penalty imposed under the bargaining law.</p>

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<p>Minnesota</p> <p>All K-12, Comm. College &amp; Higher Education Employees</p>	<p><i>By statute</i> - T, C &amp; grievance procedures.</p> <p><i>By caselaw</i> - Increases in teachers' class assignment hours, decreases in teachers' preparation time, hiring non-licensed personnel to perform teachers' duties, &amp; the contracting-out of bus services.</p>	<p><i>By statute</i> - Public employers are not required to negotiate over matters of inherent managerial policy including the employer's functions &amp; programs, its overall budget, technology utilization, organizational structure, personnel selection, direction &amp; number of personnel, employer's contribution to the Minnesota deferred compensation plan.</p> <p>Professional employees have the right to meet &amp; confer with employers regarding policies &amp; matters other than terms &amp; conditions of employment.</p> <p><i>By caselaw</i> - Substantive criteria for promotion &amp; tenure (although implementation of such criteria is a mandatory subject).</p>	
<p>Missouri</p> <p>K-12 &amp; Higher Education Support Personnel</p>	<p><i>By statute</i> - Salaries &amp; other terms &amp; conditions of employment.</p>		

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Montana  All K-12, Comm. College & Higher Educ. Employees	<i>By statute</i> - W, H, T & C including fringe benefits.	<i>By statute</i> - Management retains the right to (i) direct employees; (ii) hire, promote, transfer, assign, & retain employees; (iii) relieve employees from duties because of lack of work or funds or because the continuation of duties would be inefficient; (iv) maintain efficiency of government operations; (v) decide methods, means, job classifications & personnel by which operations will be conducted; (vi) take necessary actions to carry out agencies' missions in emergencies; & (vii) establish methods & processes by which work is done.	
Nebraska  All K-12 Teachers, Comm. College & Higher Education	<i>By statute</i> - W, H, T & C. Supervisory units at the University of Nebraska & the Nebraska state colleges have only meet & confer rights.		<i>By caselaw</i> - Faculty office hours are a management prerogative & not an appropriate subject of collective bargaining.

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Nevada  All K-12 Employees	<p><i>By statute</i> - Salary, wages &amp; other forms of direct compensation; sick, vacation, holiday &amp; other paid &amp; unpaid leaves; hours &amp; days of work; recognition clauses; discharge &amp; disciplinary proceedings; classification of employees; dues deduction; protection of employees from union-related discrimination; no-strike provisions; grievance &amp; arbitration procedures; savings clauses; duration of agreements; employee safety; teacher preparation time; materials &amp; supplies for classrooms; policies for teacher transfers &amp; reassignments; procedures for rifts.</p> <p><i>By caselaw</i> - Daily classroom prep time, class size, professional improvement, student discipline, school calendar, instructional supplies, teacher performance &amp; load.</p>		<p><i>By statute</i> - Matters reserved to employer are (i) the right to hire, direct, assign or transfer employees (except as a form of discipline &amp;/or involving teachers in which case the decision is subject to bargaining); (ii) the right to reduce in force or layoff any employee due to lack of work or lack of funds; (iii) the right to determine staffing levels, performance standards (except safety considerations), content of the workday, quality &amp; quantity of services offered; (iv) the right to take any necessary action to carry out its responsibilities in emergency situations.</p>

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<p>New Hampshire</p> <p>All K-12, Comm. College &amp; Higher Education Employees</p>	<p><i>By statute</i> - W, H, T &amp; C.</p> <p><i>By caselaw</i> - Change in workday hours, compensation for extracurricular activities, unilateral termination of collectively bargained benefits; overtime, legal holidays, annual sick &amp; maternity leave.</p>		<p><i>By statute</i> - Managerial policies within the exclusive prerogative of the public employer including the employer's functions, programs &amp; methods, organizational structure &amp; the selection, direction &amp; number of its personnel.</p> <p><i>By caselaw</i> - Leaves of absence, time off; state established training programs; employee discipline &amp; removal; classification, promotion, transfer, layoff, seniority, wage &amp; salary administration. State university system is not required to bargain over abolition of department chairs, denial to faculty observers of the opportunity to be present at board of trustees' meetings, &amp;/or elimination of advisory faculty committees.</p>
<p>New Jersey</p> <p>All K-12, Comm. College &amp; Higher Educ. Employees</p>	<p><i>By statute</i> - Grievances, discipline disputes &amp; terms &amp; conditions of employment.</p> <p><i>By caselaw</i> - Unless preempted by statute compensation, hours, workloads, sick leave, physical accommodations, teacher sabbaticals; increasing teachers' work-day or workload, extending teaching hours, tuition reimbursement, salary credits, tenure &amp; job security.</p>	<p><i>By caselaw</i> - There are no permissive subjects of bargaining only mandatory or non-negotiable ones.</p>	<p><i>By statute</i> - Standards or criteria for employee performance, statutes &amp; regulations that "speak in the imperative" &amp; leave no room for employer discretion.</p> <p><i>By caselaw</i> - Retirement age, transfers &amp; reassignments, agreement to pay retirement benefits beyond those specified in statute, guidelines for tenure &amp; periodic evaluation of tenured faculty, consolidation of different departments, decisions to hire, retain promote, transfer, assign &amp; dismiss, &amp; reductions in force for economic reasons.</p>

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New Mexico  All K-12 & Higher Educ. Employees	<i>By statute</i> - W, H, T & C including dues payroll deductions &, for educational employees only, the impact of professional & instructional decisions made by the employer.	<i>By negative implication of statute</i> - Public employers' right to (i) direct the work of, hire, promote, assign, transfer, demote, suspend, discharge or terminate public employees; (b) determine qualifications for employment & the nature & content of personnel examinations; (c) take necessary actions to carry out mission in emergencies.	<i>By statute</i> - Public employers may not enter into any agreement that conflicts with the provisions of a state statute.
New York  All K-12, Comm. College & Higher Educ. Employees	<i>By statute</i> - W, H, T & C except for public retirement benefits or payments to a fund or insurer to provide retirement benefits.  <i>By caselaw</i> - Number of instruction hours, impact of class size policies, economic benefits (reimbursement for job-related property damage, partial reimbursement for graduate courses taken with school administration's approval, salary increments).		
North Dakota  K-12 Teachers & Admins.	<i>By statute</i> - T & C, employer-employee relations, formulation of agreements including ones with binding arbitration provisions.	<i>By caselaw</i> - Class size, reduction in force & leave procedures, binding impasse arbitration.	

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Ohio  All K-12, Comm. College & Higher Educ. Employees	<p><i>By statute</i> - W, H, T &amp; C.</p> <p><i>By caselaw</i> - Reassignment of unit work to non-unit employees.</p>	<p><i>By statute</i> - Unless otherwise agreed, employer retains rights to (i) determine matters of inherent managerial policy such as its functions &amp; programs, service standards, overall budget, utilization of technology &amp; organizational structure; (iii) direct, supervise, hire or evaluate employees; (iv) maintain &amp; improve efficiency; (iv) determine the methods, process, means &amp; personnel for operations; (v) suspend, discipline, demote or discharge for just cause or lay off, transfer, assign, schedule, promote or retain employees, (vi) determine adequacy of workforce; (vii) determine its mission; (viii) manage the workforce; or (ix) carry out its mission.</p> <p><i>By caselaw</i> - probationary periods.</p>	<p><i>By statute</i> - Conduct &amp; grading of civil service exams, the rating of candidates, establishment of lists from the exams &amp; original appointments from lists.</p>
Oklahoma  All K-12 Employees	<p><i>By statute</i> - W, H, T &amp; C including fringe benefits.</p>		<p><i>By caselaw</i> - School board cannot delegate its statutory authority regarding nonrenewals of probationary teachers &amp; teacher assignments &amp; therefore could not agree to binding arbitration of disputes over same.</p>

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Oregon  All K-12, Comm. College & Higher Educ. Employees	<p><i>By statute</i> - Employment relations matters including any direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures &amp; other conditions of employment.</p> <p><i>By caselaw</i> - Length of summer vacations.</p>	<p><i>By statute</i> - Employers are not obliged to bargain over subjects that Board has ruled are permissive; subjects that Board determines have a greater impact on management's prerogative than on the employees' W, H, T &amp; C; subjects that have an insubstantial or de minimis effect on W, H, T &amp; C; class size, school calendar, performance standards or evaluation criteria for teachers; school curriculum; reasonable dress, grooming &amp; at-work personal conduct regarding smoking, gum chewing &amp; similar matters, standards &amp; procedures for student discipline, time between classes, the selection, agendas &amp; decisions for 21st century school site councils.</p> <p><i>By caselaw</i> - scheduling vacation &amp; teachers' work days.</p>	
PA  All K-12, Comm. College & Higher Educ. Employees	<p><i>By statute</i> - W, H, T &amp; C.</p>	<p><i>By statute</i> - Matters of inherent managerial policy - <u>e.g.</u> - employer's functions &amp; programs, standards of services, overall budget, utilization of technology, organizational structure, selection &amp; direction of personnel. Employers must bargain over the impact of such policies &amp; must meet &amp; discuss such policies insofar as they affect W, H, T &amp; C.</p>	<p><i>By statute</i> - Parties may not enter into any agreement that violates state law or a municipal home rule charter.</p>

\* For some states, pertinent caselaw regarding the scope of bargaining is also summarized. This chart, however, is not intended & should not be relied upon to provide a complete summary of the caselaw regarding scope of bargaining in each state. For further information about any state's laws in this area, see the state by state descriptions of the public sector collective bargaining law that comprise the bulk of this manual.

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State	Mandatory Subjects of Bargaining	Permissive Subjects of Bargaining	Prohibited Subjects of Bargaining
Rhode Island	<i>By statute</i> - Hours, working conditions & all other terms of professional employment.		
All K-12, Higher Educ. & Comm. College Employees	<i>By caselaw</i> - If matter involves both a question of management & a term or condition of employment the employer is obligated to negotiate over the matter.		
South Dakota	<i>By statute</i> - Grievance procedures & other conditions of employment (including rates of pay, wages & hours of employment).		
All K-12, Comm. College & Higher Educ. Employees	<i>By caselaw</i> - Subject is mandatory that (i) intimately & directly affects the work & welfare of public employees; (ii) is not preempted by statute or regulation; & (iii) is one on which a negotiated agreement would not significantly interfere with the exercise of inherent managerial prerogatives.		
Tennessee	<i>By statute</i> - Salaries, wages, grievance procedures, insurance, fringe benefits (excluding pensions or retirement programs of the Tennessee consolidated retirement system), terms & conditions of professional service & working conditions ( <u>i.e.</u> , "fundamental matters that affect a professional employee financially or the employee's employment relationship with the board of education"), leave, student discipline procedures & payroll deductions.	<i>By statute</i> - Basic education policy including the content of the curriculum, teaching strategies, class offerings & student placement.	<i>By statute</i> - No agreement may contain provisions contrary to state or federal law.

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Vermont K-12 Teachers	<i>By statute</i> - Salaries, related economic conditions of employment, procedures for processing grievances & complaints, & any other mutually agreed upon matter that does not conflict with existing statutes.		
Vermont K-12 ESP	<i>By statute</i> - W, H, T & C.		
Vermont Higher Education	<i>By statute</i> - All matters relating to the employer-employee relationship including wages, salaries, benefits & reimbursement practices, minimum hours per week, working conditions, overtime compensation, leave compensation, reduction in force & grievance procedures, terms of coverage & amount of employee financial participation in insurance programs, rules & regulations for personnel administration & fair share fee.	<i>By caselaw</i> - Faculty governance	
Wash. K-12 Prof'l Employees	<i>By statute</i> - W, H, T & C.		
Wash. Academic Employees of Comm. Colleges	<i>By statute</i> - W, H, T & C including procedures relating to nonretention, dismissal, denial of tenure & reductions in force.		

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Wash.  Four Year Higher Education Institutions	<i>By statute</i> - Wages, hours & other terms & conditions of employment.	<i>By statute</i> - Criteria & standards used for the appointment, promotion, evaluation & tenure of faculty.	<i>By statute</i> - Consideration of the merits, necessity or organization of any service, activity or program established by law or resolution of the employer, the amount of any fees that are not a condition of employment, admission requirements for students, conditions for the award of certificates & degrees & the content, methods, supervision, & evaluation of courses, curricula, & research programs. Employers, however, may consult with employees about these subjects.
Wash.  K-12, ESP & Certain Higher Educ. Employees	<i>By statute</i> - W, H, T & C & grievance procedures.	<i>By statute</i> - employers (except for higher education institutions that have opted for PECBA coverage & previously had bargaining units) are not required to bargain over any matter that by ordinance, resolution or the employer's charter has been delegated to a civil service commission or personnel board.	
Wisconsin  All K-12 & Comm. College Employees	<i>By statute</i> - W, H, T & C.  <i>By caselaw</i> - Evaluation procedures that affect teachers' job security, scope of personnel files kept by school board, teacher's right to access these files; establishment of a just cause standard for non-renewal of contracts, layoffs resulting from a decline in the student population, student behavior that presents a physical threat to teachers, school calendar, number of in-service days, & the impact of class size.	<i>By statute</i> - Employer is not required to bargain on subjects reserved to management & the direction of the governmental unit except insofar as the manner of the exercise of such function affects wages, hours & conditions of employment.	<i>By statute</i> - The reassignment of municipal employees who perform services for a board of school directors; school board decisions to contract with a school or agency to provide educational programs; solicitation of sealed bids for the provision of group health care benefits for professional employees & collective bargaining policy.

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Wisconsin Higher Education Support Personnel	<i>By statute</i> - Wage rates, the assignment & reassignment of classifications to pay ranges, determination of pay status, fringe benefits, hours & conditions of employment.	<i>By statute</i> - Employer's rights to (i) carry out its statutory mandate by the most appropriate & efficient means; (ii) hire, promote, transfer, assign or retain employees; (iii) suspend, demote, discharge or take other appropriate disciplinary action against an employee for just cause or layoff employees due to lack of work or funds or to avoid inefficiency.	<i>By statute</i> - Employer's mission & goals; policies, practices & procedures of civil service system; disciplinary actions & position abandonments under § 230.34(1)(a), (am) & (ar); DOT grants; family & medical leave less generous than provided by state law; rights to retirement benefits computed under § 40.30; honesty testing requirements that provide employees with fewer protections than granted by statute; creditable service under § 40.25(7)(f); compliance with statutory health plan requirements; or provision of health insurance coverage under § 632.895(11-13).

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