

TOPICS OF BARGAINING GRID

August 2024

ISSUE	MANDATORY	PERMISSIVE	MANAGERIAL RIGHTS	PROHIBITED
PROGRAMS AND FUNCTIONS				
Establishing a program or function	Once program or function is established note limitations on subcontracting in this grid.		Minn. Stat. § 179A.07, subd. 1.	
The organizational structure	Once structure is established note limitations on subcontracting and assignment of bargaining unit work in this grid.		Minn. Stat. § 179A.07, subd. 1.	
Utilization of technology			Minn. Stat. § 179A.07, subd. 1.	
Subcontracting	The effects of contracting out including whether bargaining unit jobs will be terminated so that non-employee or non-bargaining unit member can perform work. Gen'l Drivers Union Local 346 v ISD 704 , Proctor School Bd , 283 N.W.2d 524 (Minn. 1979) and ISD No. 88, New Ulm v. SEIU Local 284 , 503 N.W.2d 104 (Minn. 1993).		The decision to contract out (unless there is contrary language in the agreement). ISD No. 88, New Ulm v. SEIU Local 284 , 503 N.W.2d 104 (Minn. 1993).	<u>Implementation of a decision to contract out where the result is that the union would no longer exist.</u> Firefighters Union Local 4725 v. City of Brainerd , 934 N.W.2d 101 (Minn. 2019)
Establishing a budget			Minn. Stat. § 179A.07, subd. 1.	

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POLICIES				
Which personnel policies affecting working conditions apply to bargaining unit members	Minn. Stat. § 179A.06.			
Establishing a grievance procedure with binding arbitration	Minn. Stat. § 179A.06 and Minn. Stat. § 179A.20.			
Compensation	Minn. Stat. § 179A.06			
Discipline procedure	Minn. Stat. § 179A.03, subd. 19. Minn. Stat. § 179A.06. Minn. Stat. § 179A.20, subd. 4.			
Grooming standards			LELS v. Hennepin County , 449 N.W.2d 725 (Minn. 1990).	
Fitness for duty testing and examination	Implementation of a physical fitness standard. LELS v. City of Luverne , 463 N.W.2d 546 (Minn. App. 1990). Whether just cause exists for requiring a psychological examination. Hill v. City of Winona , 454 N.W.2d 659 (Minn. App. 1990).		Decision to conduct regular physical examinations. LELS v. City of Luverne , 463 N.W.2d 546 (Minn. App. 1990).	

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Random Drug Testing	Implementing a random drug testing policy. LELS v. Sherburne Co. , 695 N.W.2d 630 (Minn. App. 2005).		Deciding whether to engage in random drug testing and deciding who is in a safety sensitive position requiring testing. LELS v. Sherburne Co. , 695 N.W.2d 630 (Minn. App. 2005).	
Creating a policy against sexual harassment that mirrors statutory prohibition			Lipka v. MN School Employees Assn. , 537 N.W.2d (Minn. App. 1995) affirmed as modified 550 N.W.2d 618 (Minn. 1996).	
Implementation of a response time policy			LELS v. Cook Co. , No. C0-99-397 (Minn. Ct. App. Sept. 7, 1999) (unpublished decision).	
Ride along with police officer	For civilians. City of West St Paul v LELS , 481 N.W.2d 31 (Minn.1992).		For trainees. City of West St Paul v LELS , 481 N.W.2d 31 (Minn.1992).	
Training	Pay for time spent in training and implementation of how participation requirement is to be fulfilled. St Paul Firefighter Local 21 v City of St Paul , 336 N.W.2d 301 (1983).		The right to establish a training program. St Paul Firefighter Local 21 v City of St Paul , 336 N.W.2d 301 (1983).	
EMPLOYEE DIRECTION				
Directing Personnel			Minn. Stat. § 179A.07, subd. 1.	

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What work will be done	Increasing the number of hours of teaching class in an educational setting. <i>Foley Educ Assn v ISD 51</i> , 353 N.W.2d 917 (Minn. 1984).		<u>Minn. Stat. § 179A.07 subd. 1.</u>	
How work will be done			<u>Minn. Stat. § 179A.07 subd. 1.</u>	
When work will be done			<u>Minn. Stat. § 179A.07 subd. 1.</u>	
Where work will be done			<u>Minn. Stat. § 179A.07 subd. 1.</u>	
Quality of work to be done			<u>Minn. Stat. § 179A.07 subd. 1.</u> <i>U Ed Assn v Regents of the U of M</i> , 353 N.W.2d 534 (Minn. 1984).	
What kind of equipment is to be used			<u>Minn. Stat. § 179A.07, subd 1.</u>	
Quantity of work to be done			<u>Minn. Stat. § 179A.07 subd 1.</u>	
Assignment of employees to work functions	Jurisdictional questions dealing with the assignment of work to bargaining unit members. <i>Foley Educ Assn v ISD 51</i> , 353 N.W.2d 917 (Minn. 1984).		<u>Minn. Stat. § 179A.07, subd 1.</u> Assignment of work that is not bargaining unit work. Arbitration between <i>MAC and Met Airports Police Fed</i> , 443 N.W.2d 519 (Minn. 1989)	
Number of police or fire fighters per rig	<u>Minn. Stat. § 179A.03, subd 19.</u>			

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Assignment of employees to work locations		Adoption of criteria for assignment. <i>Mpls Fed of Teachers, Local 59 v. Mpls Spec S D No. 1</i> , 258 N.W.2d 802 (Minn. 1977) and <i>Ogilvie v. Ind. S D 34, Atwater</i> , 329 N.W.2d 555 (Minn. 1983) .	The decision to assign. <i>Ogilvie v. Ind. S D 34, Atwater</i> , 329 N.W.2d 555 (Minn. 1983)	
Assignment of employees to shifts and schedules			<i>Minn. Stat. § 179A.07, subd 1.</i>	
Establishing work schedules			<i>Minn. Stat. § 179A.07, subd 1.</i> When a work day begins and ends and when it is necessary to report to work. <i>U Ed Assn v Regents of the U of M</i> , 353 N.W.2d 534 (Minn. 1984). <i>LELS v. Hennepin County</i> , 449 N.W.2d 725 (Minn. 1990).	
Number of hours an employee will work	<i>Minn. Stat. § 179A.03, subd 19.</i> <i>U Ed Assn v Regents of the U of M</i> , 353 N.W.2d 534 (Minn. 1984). Lengthening hours of employment. <i>Foley Educ Assn v ISD 51</i> , 353 N.W.2d 917 (Minn. 1984).			

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Assignment of overtime			Minn. Stat. § 179A.07, subd 1.	
Classification of work	A waived management right to create job classes may become a mandatory subject of bargaining. MN Arrowhead Dist Council 96 of AFSCME v St Louis Cty , 290 N.W.2d 608 (Minn. 1980).		Minn. Stat. § 179A.07 subd 1. The employer may determine the classification of work with no right of a union to negotiate work outside of the bargaining unit. Arbitration between MAC and Met Airports Police Fed , 443 N.W.2d 519 (Minn. 1989).	
Allocation and reallocation of work to classes	Assigning a study hall duty to non-teachers and increasing the number of class hours. Foley Educ Assn v ISD 51 , 353 N.W.2d 917 (Minn. 1984).		Establishing a procedure for determining which supervisory positions are to be stripped of administrative functions. Mpls Assn of Administrators and Consultants v. Mpls Sp School Dist. No. 1 , 311 N.W.2d 474 (Minn. 1981).	
EMPLOYEE SELECTION				
Setting employee qualifications			Minn. Stat. § 179A.07 subd 1.	
Number of personnel as part of staffing ratios	Minn. Stat. § 179A.07, subd 1.			
Number of employees within a city budget			Minn. Stat. § 179A.07, subd 1.	
Selection of new employees			Minn. Stat. § 179A.07, subd 1.	

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Competitive examinations	Implementing aspects of an examination. <i>IUOE v. Mpls</i> , 233 N.W.2d 748 (Minn. 1975).		Deciding to give a competitive examination. <i>IUOE v. Mpls</i> , 233 N.W.2d 748 (Minn. 1975).	
Selection of employees for promotion			<i>Minn. Stat. § 179A.07, subd 1.</i>	
Selection of employees for supervisory positions				<i>Minn. Stat. § 179A.07, subd 1.</i>
Transfer	Adopting criteria to use in identifying employees for transfer. <i>Mpls Fed of Teachers, Local 59 v. Mpls Spec S D No. 1</i> , 258 N.W.2d 802 (Minn. 1977).		The decision to transfer. <i>Mpls Fed of Teachers, Local 59 v. Mpls Spec S D No. 1</i> , 258 N.W.2d 802 (Minn. 1977). The decision to transfer employees. <i>Lipka v. MN School Employees Assn</i> , 537 N.W.2d 624 (Minn. App. 1995) affirmed as modified 550 N.W.2d 618 (Minn. 1996).	
Job evaluation process			<i>Minn. Stat. § 471.994</i> (Pay equity requires meet and confer)	
Assigning pay equity value to jobs			<i>Minn. Stat. § 179A.07, subd 1.</i> <i>Minn. Stat. § 471.994</i> (Pay equity requires meet and confer).	
COMPENSATION AND FRINGE BENEFITS				
Compensation	<i>Minn. Stat. § 179A.03, subd. 19.</i>			

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Health Insurance	<p>Contributions toward premiums. Minn. Stat. § 179A.03, subd. 19.</p> <p>Reducing the aggregate value of benefits. Minn. Stat. § 471.6161, subd. 5.</p> <p>Reducing the provider network. W. St. Paul Fed. Of Teachers v. ISD No. 197, 713 N.W.2d 366 (Minn. App. 2006).</p>			
<p>Retirement Benefits</p> <p>Contribution to health insurance premiums</p> <p>Pensions</p> <p>Vendor selection and number</p>	<p>LELS v Mower Co, 483 N.W.2d 696 (Minn. 1992) and HRA of Chisholm v. Norman, 696 N.W.2d 329 (Minn. 2005).</p>	<p>Certain pensions. Minn. Stat. § 179A.03, subd 19 and Minn. Stat. § 356.24</p> <p>Minn. Stat. § 356.24 and Educ. MN-Osseo v. ISD No. 279, 742 N.W.2d 199 (Minn. App. 2007).</p>		<p>Failure to reach agreement on contributions to retiree insurance may not be submitted to interest arbitration for nonessential (as opposed to essential) employees. Minn. Stat. § 179A.16, subd 9.</p>
Upkeep of uniforms	<p>Method of compensation. LELS v City of Roseville, 393 N.W.2d 670 (Minn. App. 1986).</p>		<p>Decisions on whether to require uniform, style, color, etc. LELS v City of Roseville, 393 N.W.2d 670 (Minn. App. 1986).</p>	

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Application of Earned Sick and Safe Leave law	A time off benefit that meets or exceeds, and does not otherwise conflict with, the minimum standards and requirements provided in the Earned Sick and Safe Leave law. <i>Minn. Stat. §181.9448, Subd. 1</i>	Any bargaining obligation is limited by the requirement that any change must be through agreement. <i>Minn. Stat. §181.9448, Subd. 1</i>		
Application of the weather-related leaves under Earned Sick and Safe Leave law for certain positions	Waiver of the weather event leave for a city’s police officers, firefighters, dispatchers and those employees holding a commercial drivers license (i.e. snow plow drivers). Minn. Stat. §181.9447, Subd. 12			
Documentation requirements for additional paid leave in excess of minimum Earned Sick and Safe Leave law.	Waiver of requirements in Minn. Stat. § 181.9447, subdivision 3 (documentation) to paid leave available to employees in excess of the minimum amount required under Minn. Stat. § 181.9446. Waiver must be in CBA and include explicit reference to Minn. Stat. § 181.9447, subdivision 3.			

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<p>Providing benefits greater than the statutory extended sick leave program to become effective January 1, 2026</p>	<p>Bargaining and agreeing with respect to leave benefits and related procedures and employee protections that meet or exceed, and do not otherwise conflict with, the minimum standards and requirements outlined in Minn. Stat. §268B.</p> <p>It is an open issue as to whether this allows unions to negotiate a city’s obligation to pay at least 50% of the annual premium to some higher percentage. Minn. Stat. §268B.27, Subd. 2(3)</p>	<p>Any bargaining obligation is limited by the requirement that any change must be through agreement. Minn. Stat. §268B.27, Subd. 2(3)</p>		