

Mandatory vs. Permissive Subjects for Bargaining

Mandatory Subjects (Must bargain these)	Permissive Subjects (Bargaining permitted – not mandatory)
Payment of salaries and wages, including, overtime pay, holiday pay, creating or modifying step schedules, out of class pay, incentive pay, pay for special assignments and more.	Subjects having an insubstantial or de minimis effect on employee wages, hours, and other employment conditions.
Hours of work, including defining the work week, scheduling of hours, scheduling of shifts, job sharing, shift trading, assignment of overtime hours and more.	Subjects that are not insubstantial or de minimis but that the Employment Relations Board determines have a greater impact on management's prerogative than on employee wages, hours, or other conditions.
Vacations, including pay and scheduling procedures.	Workload when the effect on duties is insubstantial.
Sick leave benefits.	Scheduling of services provided to the public.
Retirement benefits.	Determination of the minimum qualifications necessary for any position.
Healthcare benefits.	Criteria for evaluation or performance appraisal.
Discipline standards and grievance procedures.	Safety issues or staffing levels not directly impacting on-the-job safety.
Management rights.	The assignment of duties.
Drug testing after hire.	Pre-employment drug testing.
Terms and conditions of probation upon hire and promotion.	On-the-job personal conduct requirements respecting smoking, gum chewing, and similar matters of personal conduct at work.
Safety issues or staffing levels directly impacting on-the-job safety.	Reasonable dress.
	Grooming.
	Fair share agreements.
	Ground rules agreements for bargaining.