

# **Bond Case Briefs**

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## **LABOR - MINNESOTA**

### **In re Clarification of an Appropriate Unit**

**Court of Appeals of Minnesota - May 16, 2016 - N.W.2d - 2016 WL 2842883 - 2016 L.R.R.M. (BNA) 154, 574**

Association of public-school teachers petitioned the Bureau of Mediation Services (BMS) for clarification as to whether school district's pre-kindergarten instructors were included in teacher bargaining unit.

A BMS hearing officer concluded that the instructors were not included in the bargaining unit. Association appealed.

The Court of Appeals held that the instructors were not "teachers" for purposes of the Public Employee Labor Relations Act (PELRA), and thus were properly excluded from the bargaining unit.

School district's pre-kindergarten instructors were not "teachers" for purposes of the Public Employee Labor Relations Act (PELRA), and thus were properly excluded from the teacher bargaining unit. Instructors were not required to be licensed by the board of teaching or the commissioner of education, as there was no licensure requirement in state statutes governing pre-kindergarten school-readiness programs, no licensure requirement in federal law governing pre-kindergarten programs receiving federal Title I funds, and no licensure requirement imposed by the school district.