

HR PRACTICES AFTER DECERTIFICATION

Moving collectively
bargained agreement
provisions into board
policy, procedures, and
practice.

September 2026



SB 1296

- Approved by Governor, 05/01/26; **Chapter No. 2026-58, Effective Date: 7/1/2026.**
- PERC has already approved a rule change and begun additional rulemaking that imposes new responsibilities on employee organizations and, in some cases, employers as part of recent legislative changes to Chapter 447, Florida Statutes.



Election Thresholds

Under the previous law, a majority of participating employees decided the election. The new language creates a two-part test:

At least 50% of all eligible employees in the unit must participate in the election (a turnout threshold), and at least 50% of those voting must support the union (a support threshold).

These requirements apply if the unit fails to meet the 60% dues-paying membership requirement, which then requires a 30% showing of interest to trigger an election.



WHAT DECERTIFICATION CHANGES (I THINK)...

- ✓ Once a unit is decertified, the CBA generally stops governing terms and conditions of employment for that group. Some districts have chosen to voluntarily honor parts of an existing agreement through its stated expiration, but that is a board decision - not a legal requirement.
- ✓ Pay schedules, leave banks, discipline protections, transfer rights, and grievance procedures that lived only in the CBA no longer have a home unless the district has separately adopted them.
- ✓ **Statutory and constitutional protections that exist independent of the CBA, including § 447.401 grievance rights and due-process protections for contract employees, remain in force.**

THE (NEW) OPERATING RISK

- ❖ *The election outcome can void the CBA - not the district's HR operating obligations, so...*

**What would stop working
if the CBA disappeared?**



DECERTIFICATION EXPOSES EVERY PROVISION THAT LIVES ONLY IN THE CBA

- | | |
|--------------------------|---|
| ▪ Pay schedules | Compensation rules may need board action. |
| ▪ Leave/ transfer rights | Operational expectations are inconsistent. |
| ▪ Grievance procedure | Steps, clocks, representation, and finality. |
| ▪ Discipline standards | Just cause and progression need a durable home. |
| ▪ Past Practice | Unwritten norms are the hardest to administer. |

**Which
employee
rule(s)
become
unclear
first?**

**Start
there.**



Three questions as you consider a migration plan

Is it required anyway?

Identify statutory, constitutional, or district obligations.

Would we choose to keep it?

Separate legal minimums from practices the district values.

Where should it live?

Place each provision where it can be administered consistently.

ROUTE THE ANSWER

Board policy

District procedure /
regulation

Employee handbook

Documented HR practice





Right Place Matters

Consider placing items that affect due process, compensation, or create legally enforceable rights into Board Policy, with legal review for rights or pay protections.

Consider placing operational steps, timelines, and roles into Administrative Procedures/Regulations for agility in administration

High-stakes protections go to Policy; operational steps into Procedures; everyday guidance belongs in Handbook/HR practice.

**“All public employees have the right
to a fair and equitable grievance
procedure...”**

— § 447.401, Fla. Stat.

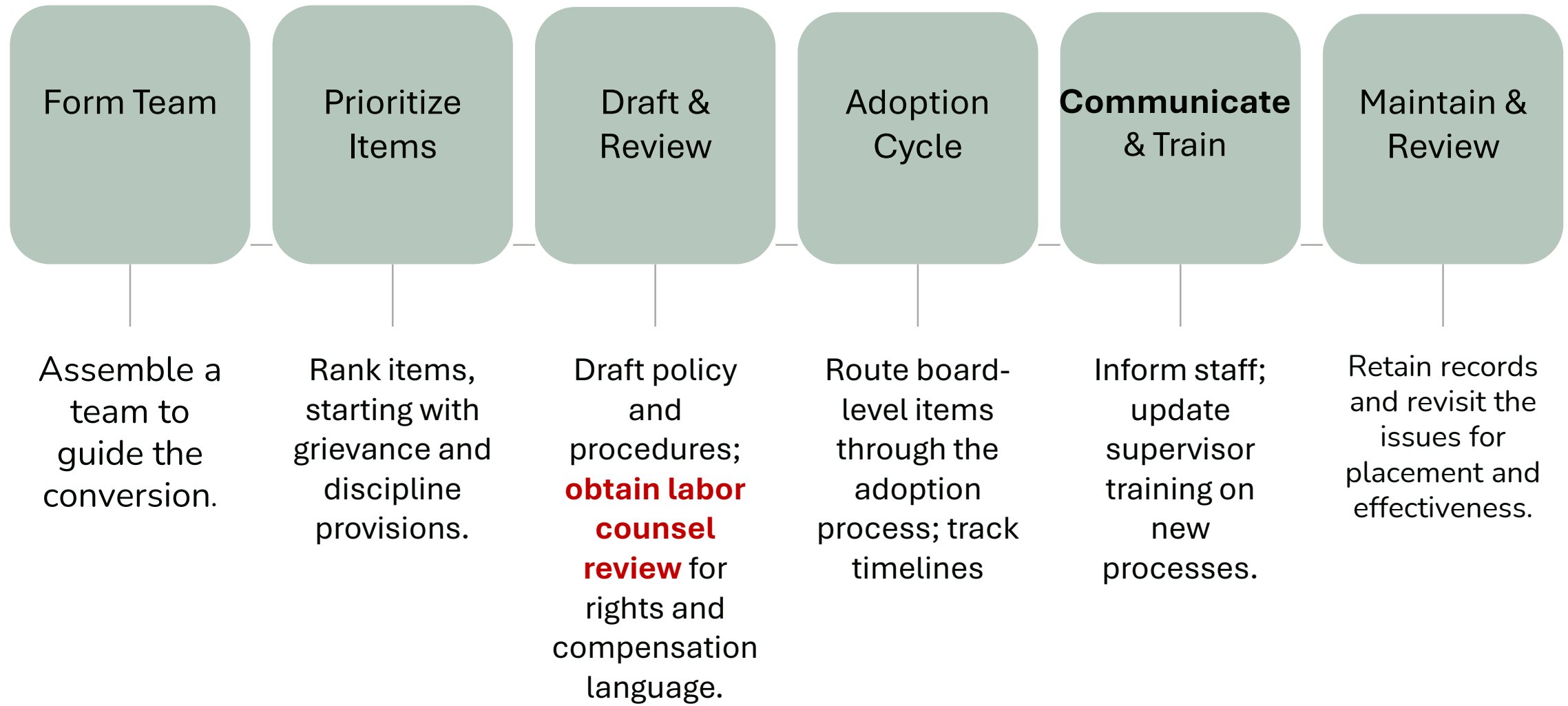
A CBA May End. Fair Grievance Access Should Not.

Build a district owned process that works regardless of representation status

Principle	Operating question	Practical response
A grievance process is not merely a union benefit.	If the CBA is no longer the operating document, where does an employee go with a workplace concern?	Adopt and communicate a district grievance process that stands on its own.
Fairness and consistency remain essential.	Can employees, supervisors, and HR identify the steps, deadlines, and decision-makers?	Use clear steps, deadlines, documentation expectations, and defined roles.
Representation status should not determine access to a fair process.	Does the process work as well for an unrepresented employee as it did under the CBA?	Train supervisors; provide a reliable point of entry; document outcomes; review the process periodically.

§ 447.401 keeps a grievance floor in place for every public employee

Steps to consider – Start and end with consulting legal counsel



WHAT DECERTIFICATION DOESN'T CHANGE...

The Art of HR - moving from a potentially binding labor-relations obligation to a management and policy consideration. Decertification may not be a reason for immediate, undocumented abandonment of all former practices.

Your colleagues have tips:

- Adopted affirmative policy where wanted. They adopted it expressly rather than simply “honored the old contract.”
- Communicated it.
- Trained their supervisors.

Dialog!