

PREPARING FOR NEGOTIATIONS

Know your existing contract, the meaning of its language, and how it impacts on district operations.

Be sure that you and your negotiator know district history and traditions.

Analyze the effectiveness of your existing contract; compare it to newly settled contracts in the area to identify union issues and proposals as well as trends in wages and benefits.

Work with other board members and your attorney to **prepare your proposal**. There **MUST** be board consensus on the “bottom line,” but strategy must be left to your negotiating team with these considerations:

- ❖ Your negotiator should not open with your “bottom line” but leave room to maneuver with money and contract language.
- ❖ When initial packages are exchanged, your negotiator should clarify your positions and receives a thorough description of the union proposals.
- ❖ Send someone to take notes for your negotiator at the negotiations table and draft minutes.

Know the steps involved in negotiations.

- ❖ If parties cannot reach agreement, an **impasse** is declared by one or both parties.
- ❖ **PERB** (Public Employee Relations Board) then appoints a **mediator** to assist the parties by meeting with them separately. The mediator has no binding authority to settle the dispute.
- ❖ If mediation is not successful, **PERB** appoints a **fact-finder** who recommends a settlement which is non-binding. If either party rejects these recommendations, negotiations continue.
- ❖ **PERB** can appoint a **conciliator** at any subsequent point. This conciliator also has no binding authority. Negotiations continue until an agreement is reached.



The School Boards Role In Negotiations

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DURING NEGOTIATIONS...

DO..

- ❖ Bargain at the table through your negotiating team.
- ❖ Be flexible; analyze and consider alternatives. Provide parameters to negotiators to allow this to happen.
- ❖ Keep constantly updated on events and progress. Updating helps to develop consensus on issues.
- ❖ When pressure builds, consider whether or not to go public. Unions do go public, but when the Board does so, the process is likely to become politicized and positions are likely to harden.
- ❖ If/when your board does go public, state only the facts and always be accurate. Keep statements objective and impersonal.
- ❖ Have a single spokesperson who is articulate, who can think quickly or who will think before speaking.
- ❖ After protracted negotiations, describe the contract agreement in the district newsletter in a joint release with the union.
- ❖ Recognize mediation and fact finding are procedures, not guaranteed solutions.

DURING NEGOTIATIONS...

CONSIDER..

- ❖ Letting your community know that district employees always have the protection of a collective bargaining agreement, that they never “work without a contract.”
- ❖ Correcting inaccuracies reported by unions or the media by stating the correct positions assertively--either to employees or to the community.
- ❖ Publicizing the terms and conditions of employment (specific information about current salaries, benefits, job functions) during negotiations, especially after expiration of a contract.
- ❖ Speaking out if the public clearly expects it and if it won't exacerbate the situation.

REMEMBER . . .

Negotiations affect budgets. Make sure that your community understands the relationship between negotiations and the district's budget.

The board's constituency is much broader than that of any union.

The union constituency is far more unified and focused on any given position.

Public supporters of the board position are not likely to state their support at school board meetings.

The negotiations process is easier said than done.

DURING NEGOTIATIONS...

DO NOT..

- ❖ Let the union “end-run” your negotiation team to deal directly with the board or board members away from the table.
- ❖ Withhold parameters from your negotiating team, or the team will simply be serving as messengers.
- ❖ Be overly eager to reach agreement in a short period of time.
- ❖ Vilify any individual, even when not negotiating.
- ❖ Attack or threaten the union or its leadership.
- ❖ Have a confrontational discussion in public with any negotiations unit or its representative.
- ❖ Make public any proposal which has not previously been presented to the union during negotiations sessions.
- ❖ Feel compelled to answer every charge of the union.
- ❖ Discuss prohibited subjects of bargaining, such as replacement of the State Retirement System or the tenure system.
- ❖ Negotiate on non-mandatory subjects of bargaining such as management prerogatives over class size or reductions in the work force. Discussion might be necessary, but protect management prerogatives.
- ❖ Take personally remarks made by union members about you or about the board.
- ❖ Respond publicly to any public vilification made by the union regarding the board or yourself.