

Setting The Table: Steps to Guide Bargaining Preparation

Collective Bargaining For Board Members



Collective bargaining is among the most important areas where the Board of Education sets priorities for the organization and gives direction and authority for negotiations. Employee organizations are, and necessarily should be, focused on compensation and work environment. The board must, however, consider negotiations within the broader context of the district's educational policy and mission.

Helping the Board Do Its Job

In order to effectively guide the negotiations process, boards must prepare long before the bargaining teams ever meet to ensure the district proposals thoughtfully and appropriately facilitate the district's educational mission and board priorities. This preparation should include careful review and understanding of what contract language is needed to promote:

- District Goals
- District Finances/Budget
- State Finances/Budget
- For K-12 Districts, Adopted Local Control Accountability Plan (LCAP)

With regard to process and procedures, the board may also want to consider reviewing:

- Composition of the district's bargaining team
- Board's role in supporting the district's bargaining team
- How the district will provide progress updates to board, staff, public
- Whether negotiations cover the whole contract or are limited to reopeners

COMMON TERMS & PHRASES TO UNDERSTAND:

Step & Column	Benefits	Cost of 1percent
Sunshine	Reserves	Statutory/Salary-Driven Costs
STRS/PERS	ACA	Special Ed Contribution
Restricted vs. Unrestricted Funding	CBA	
LCFF – Base Grant, Supplemental Grant, Concentration Grant, Gap Funding		

District staff must be ready to assist the board in its preparation by:

1. Identifying Obstacles

- Review of the collective bargaining agreements (CBAs) to identify language that might hinder the organization's ability to realize its goals and, if K-12, comply with LCFF.
- Review and discuss grievances received and whether to address through negotiations, i.e., transfers, leaves, evaluations, etc.
- Review new statutory enactments (federal and state) and judicial/PERB decisions which may impact existing CBA language or require new/additional language.
- Review anticipated fiscal challenges
 - Expiration of local funding sources such as parcel tax measures
 - Increases in operating expenses (utilities, pension contributions, benefit contributions)
 - Changing enrollment patterns

2. Identifying Opportunities

- Existing CBA language may be under-utilized
- Explore new/additional funding sources

Staff should present this information as it relates to district goals to the board in closed session as part of district preparation for negotiations. A closed session negotiations study session can be effective and provide a focused discussion.

What Does the Board Need to Do?

Once informed, the board is responsible for coming to agreement on, and communicating to, its negotiating team:

- The board's negotiations priorities
 - In K-12 school districts, priorities must be aligned with the goals set forth in the district's LCAP
 - Carefully consider LCAP goals that align resources to identified student needs
 - It's wise to closely consider whether CBA language facilitates technology initiatives and other priority areas that may be addressed in the LCAP
- The board's parameters for compensation (salary and benefits) and implications for employee work day and work year

Public Notice – Sunshine of Initial Proposals

Once the board has given direction to its negotiators, staff must prepare the organization's initial bargaining proposal for public disclosure and comment. This public notice must occur prior to the first negotiations meeting of the bargaining teams. It provides notice and an opportunity for members of the public to provide input to the board on the matters that will be discussed during contract negotiations.

Articulation of Bargaining Goals

The board and its negotiators must formulate messages that articulate the board's stated goals for bargaining. Guiding principles to consider:

- Messages about bargaining issues should be goal-oriented
- Never make messages negative or a personal attack on employee(s) or union(s)
- Build a Communications Plan

If communication efforts don't begin until you are already at the bargaining table, you have waited too long to get started as the tone and tenor of negotiations should be framed by the organization's priorities.

As you discuss these priorities with the various audiences, you should let them know that these may or will have implications for the bargaining table. Also, you should let stakeholders know how and where they can find the facts about the organization's budget and other important factors.

Consider:

- Developing a presentation that outlines the organization's successes, goals, and budget realities
- Integrating information from outside/neutral sources, including the Legislative Analyst's Office, the Chambers of Commerce, etc.
- Post budget and negotiation information on website
- Who will be spokesperson? Media spokesperson?
- Who will draft the agreed-to communication pieces that will come from the bargaining table?
- Prepare to put specific dollar amounts on: cost of 1percent increase; cost of step and column increases; health benefit costs; and be able to explain these costs in terms of ongoing fiscal commitments

Communications/Outreach: How Will You Reach These Stakeholder Groups?

- Administration
- Other employees
- Parent leaders
- PTA/PFC meetings
- Community and chamber group meetings
- City Council meetings
- LCAP participants
- Local media
- Faculty Senate
- District Committees

Sample Negotiations Planning Timeline:

Prior to commencement of whole contract or reopener negotiations:

1. District's negotiators schedule meetings with board in closed session to provide information, discuss and prioritize board goals for negotiations, develop initial proposal for public sunshine, articulate bargaining messages, and develop communications plan.
2. Sunshine organization's initial bargaining proposal that may require two board meetings for (1) public disclosure and (2) public hearing if required by board bylaws.
3. District negotiators to meet with board in closed session to obtain specific bargaining authority (if not already provided).
4. Schedule periodic updates for board and public.

THIS GUIDE IS A SUMMARY ONLY AND NOT LEGAL ADVICE. WE RECOMMEND THAT YOU CONSULT WITH LEGAL COUNSEL TO DETERMINE HOW THIS MAY APPLY TO YOUR SPECIFIC FACTS AND CIRCUMSTANCES.

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