

COLLECTIVE BARGAINING

The role and responsibility of the Board

The Board's Role in Collective Bargaining

The School Board's primary role is to provide each student with an education of the highest quality in keeping with his/her capacity to learn.

“It’s about students!”



BP 4141/4241 NEGOTIATED AGREEMENT

Each agreement entered into by the School Board with a duly recognized employee organization shall constitute a commitment by the School Board to the provisions of the agreement for its duration.

The provisions of the employee agreement shall be binding on the School Board and on all employees covered by the agreement. **Policies or regulations of the School Board which conflict with provisions of the negotiated employee agreement shall not be binding on those employees who are covered by the terms of such agreement.**

(cf. [4143](#) - Negotiations/Consultation)

Legal Reference:

ALASKA STATUTES

[23.40.070 - 23.40.260](#) - Public Employment Relations Act



BP 4143/4243 NEGOTIATIONS/CONSULTATION

The School Board will strictly construe the scope of negotiations as provided by law and also meet and negotiate on such topics as are included within the scope of negotiations by the Labor Relations Board.

The School Board may hold executive sessions with its designated representative(s) prior to or during consultations with representatives of employee organizations. The purpose of these executive sessions shall be to review the School Board's position and instruct its representative(s).

(cf. [9321](#) - Executive Sessions)

Legal Reference:

ALASKA STATUTES

[23.40.070 - 23.40.260](#) Public Employment Relations Act

[23.40.070](#) Declaration of Policy

[23.40.235](#) Public involvement in school district negotiations

[44.62.310](#) Agency meetings public

Kenai Peninsula Borough School District v. Kenai Peninsula Education Assn., 572 P. 2d 416 (Alaska 1977)



The Board's Role

Boards need a strong grounding when negotiating – and it is protecting the interests of students and the schools.

In collective bargaining, protecting the interests of students and the school system is the most important role of a Board, as their unions represent the interests of personnel.

Boards must know what they want to achieve and have the data to support their position.



The Board's Role

Board should be willing to compromise when necessary, as long as it does not harm the principle at stake or limit future action.

The Board is ultimately responsible for the negotiated agreement, no matter who is sitting at the bargaining table. If the Board is not actively involved, it is up to the Board to make sure the negotiating team represents their goals and priorities. Contract terms impact the future.



Expectations as an Individual Board Member

Remain objective – This could get ugly, and it is not really about you.

Be prepared – Think through your answers to what your friends and neighbors might ask or say about the negotiations.

Recognize that you are part of a team – There is no “they” during negotiations, even if you are not sitting at the bargaining table.



Deciding who does what

- The Board establishes a bargaining team to:
 - analyze contract provisions
 - conduct contract negotiations.
- Take the time to understand:
 - of the legal obligations
 - the dynamics of the negotiations process.
- Determine who will be the spokesperson.

Do your homework

The Board and Superintendent

- Research the impact
- Highlight the concerns
- Identify the gaps in the current contract.
- Review salary and benefit data about similar districts.
- Check your assumptions.

Determine your position

The Board and Superintendent agree on the expected outcomes and parameters that ***promote the realization of district goals and priorities***. Bargain internally first, in public later.

Playing together

Determine the collective bargaining approach or method to be used in consultation with the union. (i.e. traditional or interest based)

Playing together nicely

Establish ***standards of conduct*** pertaining to the negotiations process for individual Board members and members of the bargaining team.



Loose lips sink ships

Certain meetings related to negotiations shall be held in closed session. Matters discussed in these meetings shall be kept in strict confidence.

No fibbing

Provide the employee organization with **accurate information** regarding the financial resources of the district.

Eye on the prize

The Board monitors the progress of negotiations and considers how proposed contract provisions would affect the district's fiscal, programmatic, instructional, and personnel goals. **Do not give up the Board's governance responsibilities.**



Feel our pain

Keep the public informed about the progress of negotiations and the ways in which negotiations may affect district goals.

It's not over until it's over

Ratify the terms of the agreement reached by the negotiations team and approved by the union, at a ***public meeting***.



Discussion Questions

One of the issues that must be confronted by a board is whether to hire a professional negotiator and/or labor attorney. A lot goes into making this decision, but it should be a conscious one. The same can be said about including Board members on the bargaining team.

What are some of the factors that go into deciding who should be on the bargaining team?

What are the arguments for and against having a board member on the team? What about as the spokesperson?

Discussion Questions

Collective Bargaining can be fraught with unexpected situations and events. How the Board responds will determine how well the negotiations process proceeds.

What should a Board do if one of its members doesn't agree with its position on a major part of the package?

What should a Board do if the union begins to attack its position in public?

