

Ensuring Opportunities for All: Collective Bargaining



Presenters:

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Mission Statements

- ▶ **AASB Mission:** To advocate for children and youth by assisting school boards in providing quality public education, focused on student achievement, through effective local government. governance. advocate for children
- ▶ **ALASBO's Mission:** To promote the highest standard in school business practices.

This PP was initially prepared by David Means, retired from the Juneau School District and Sarah Jahn, formerly with the Juneau School District.



Agenda

- ▶ Objective: This session will assist school board members in understanding labor negotiations from a variety of perspectives:
 - ▶ Student
 - ▶ Staff
 - ▶ Administrative
 - ▶ Board of Education for children and youth by assisting school boards , focused on student achievement, through local
- ▶ Relationships
- ▶ Legal Framework
- ▶ Process

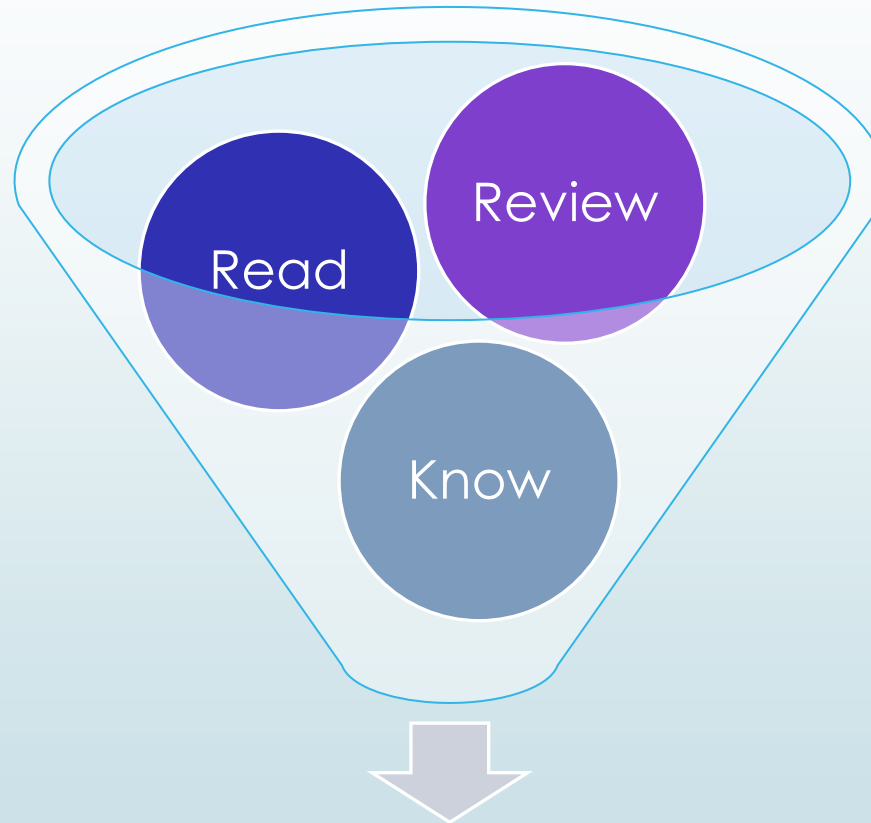


Philosophy

1. We are stewards of public resources
2. Unions not inherently bad
3. Respect union members
4. The goal of negotiations is to reach an agreement within criteria established by the Board of Education
5. Collective bargaining is a year-round process based on relationships
6. Manage district finances and operations with transparency
7. Maintain ethical practices



Notes from a newbie



Knowledge is power

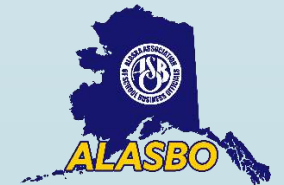
Alaska Public Employment Relations Act

- ▶ AS 23.40.070 - 23.40.260
- ▶ Also see regulation: 8 AAC 97
- ▶ Purpose is to “promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government.”
- ▶ It sets framework and process for establishing bargaining units
- ▶ It defines unfair labor practices
- ▶ Establishes state labor relations agency
- ▶ Language covering negotiations for state employees



Alaska Public Employment Relations Act - Agreements

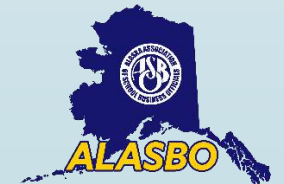
- ▶ AS 23.40.210
- ▶ Agreements limited to three years in duration
 - ▶ Occasionally a labor dispute resolves a prior agreement and a future agreement to appear it is longer than three years – Anchorage SD
- ▶ Must have binding arbitration for resolving grievances
 - ▶ “The agreement shall include a grievance procedure which shall have binding arbitration as its final step.”



Alaska Public Employment Relations Act: Language Concerning School Districts

Sec. 23.40.235. Public involvement in school district negotiations.

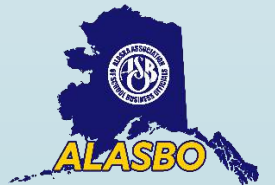
Before beginning bargaining, the school board of a city or borough school district or a regional educational attendance area shall provide opportunities for **public comment** on the issues to be addressed in the collective bargaining process. Initial proposals, last-best-offer proposals, tentative agreements before ratification, and final agreements reached by the parties are public documents and are subject to inspection and copying under AS 40.25.110 - 40.25.140.



Alaska Public Employment Relations Act: Topics Required to be Negotiated

(9) “terms and conditions of employment” means the hours of employment, the compensation and fringe benefits, and the employer’s personnel policies affecting the working conditions of the employees; but does not mean the general policies describing the function and purposes of a public employer.

Note: Other state law may govern some fringe benefits such as retirement



Alaska Public Employment Relations Act: Language Concerning Mediation

Sec. 23.40.190. Mediation.

If, after a reasonable period of negotiation over the terms of a collective bargaining agreement, a deadlock exists between a public employer and an organization, the labor relations agency may appoint a competent, impartial, disinterested person to act as mediator in any dispute either on its own initiative or on the request of one of the parties to the dispute. The parties may also select a mediator by agreement or mutual consent. It is the function of the mediator to bring the parties together voluntarily under such favorable auspices as will tend to effectuate settlement of the dispute, but neither the mediator nor the labor relations agency has any power of compulsion in mediation proceedings.



Alaska Public Employment Relations Act: Advisory Arbitration Language

(g) Under the provisions of (d) of this section, if an impasse or deadlock is reached in collective bargaining negotiations between a municipal school district, a regional educational attendance area, or a state boarding school and its employees,

(1) the parties shall submit to advisory arbitration before the employees may vote to engage in a strike; the arbitrator shall

(A) be a member of the American Arbitration Association, Panel of Labor Arbitrators, or the Federal Mediation and Conciliation Service;

(B) have knowledge of and recent experience in the local conditions in the school district, regional educational attendance area, or state boarding school; and

(C) be determined from a list containing at least five nominees who meet the qualifications of this subsection; this list shall be considered a complete list for the purpose of striking names and selecting the arbitrator;

Also see language in **8 AAC 97.280**. Advisory arbitration



Alaska Public Employment Relations Act: Language Concerning Strike

(2) if, under (1) of this subsection, advisory arbitration fails, a strike may not begin until at least 72 hours after notice of the strike is given to the other party; in any event, a strike may not begin on or after the first day of the school term, as that term is described in AS 14.03.030, unless at least one day in session with students in attendance has passed after notice of the strike is given by the employees to the other party.



Administrative Data Gathering and Preparation

1. Review existing agreement and any notes regarding it
2. Talk it over with other administrators, colleagues, first line supervisors
3. Scattergram of wage/salary schedules by FTE

I assume that turnover will cancel step increases, on average

Set up a spreadsheet to estimate fiscal impacts - % and/or \$

4. Pertinent health care information, this will vary greatly among districts
5. Applicable leave balance information
6. What have other districts settled for comparable units

Could be extended to other public sector or even private sector

Administration Meets with Board

1. Executive sessions called to discuss negotiations should include all individuals who are part bargaining team at table
2. Board members provide input on changes they would like in agreement
3. It is important for board members to have realistic expectations
4. Discussions should include a realistic scenario for a maximum settlement amount
5. Guidance should be provided to the Board relative to:
 - union members trying to persuade
 - be circumspect in their public comments (confidentiality)
 - respect the negotiating process

Most likely these will be a series of meetings, led by the Superintendent



Administrative Considerations for Negotiations

1. What does the Strategic Plan provide relative to staffing the district and programs?
2. What is happening in collective bargaining for other districts?
3. What can the district offer that it can afford?
4. Are there ways for the district to offer benefits that don't affect the salary schedule?
 - Tax sheltered annuities, flexible benefit plans (HSA & FSA)
 - Access to payroll deducted supplemental benefits



Other Preparation Steps

1. Form the bargaining team
2. Determine who will serve as chief spokesperson
3. Provide negotiation training as appropriate
4. Hold the required public hearing or solicit public comment in some other way



Role of the chief school business official

- Generally, a supportive role at table – depends on style of bargaining
- Observe the other team members for reactions – read body language like in poker
- Listen for opportunities or potential problems – sometimes lead negotiator is preparing a response that he or she does not always hear an opening
- Be prepared when making a presentation or comments
- Everyone is being observed from the very moment they enter room
 - Initial banter is important in setting the atmosphere
- Frequently CBO has the information



Initial Meeting

- ▶ Establishes ground rules (especially if not in existing agreement)
- ▶ May set a tentative schedule for bargaining dates
 - ▶ Pluses and minuses to negotiating during workday (especially for teachers)
 - ▶ Evenings OK, if limited
 - ▶ Likewise, some weekends
 - ▶ Parties may agree to exchange initial proposals at the second meeting
- ▶ Union may want time off to prepare and negotiate (if not covered in existing agreement)
- ▶ May establish style of bargaining – traditional or interest-based
- ▶ May establish open or closed sessions
- ▶ Start forming an assessment of union's bargaining team members

Bargaining Methods

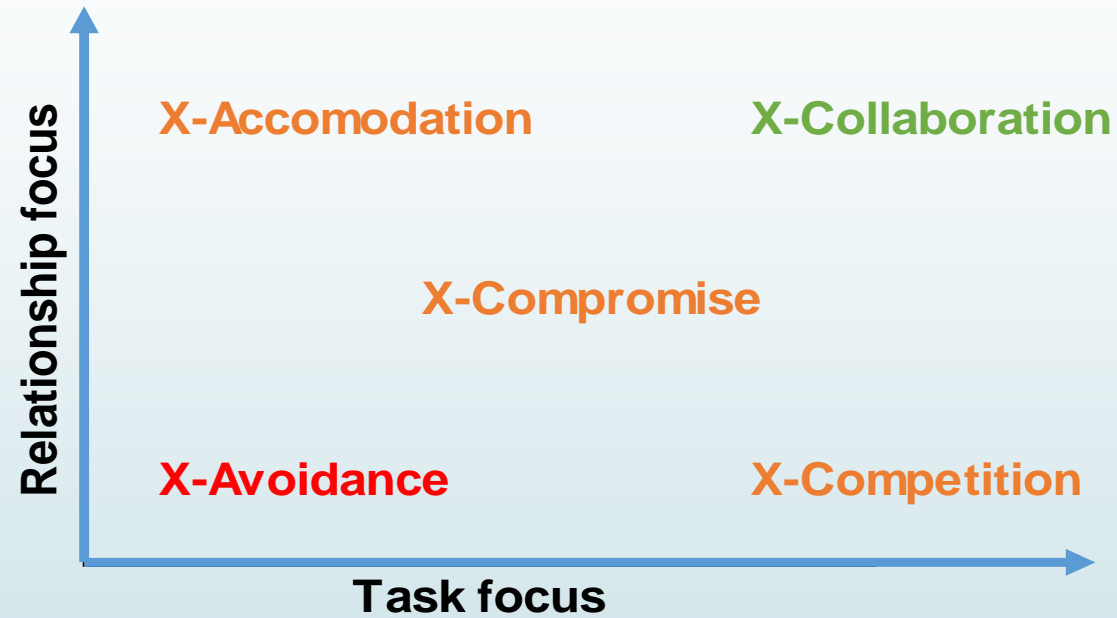
- ▶ Meet and confer
- ▶ Traditional bargaining
- ▶ Interest based bargaining
- ▶ There may be others



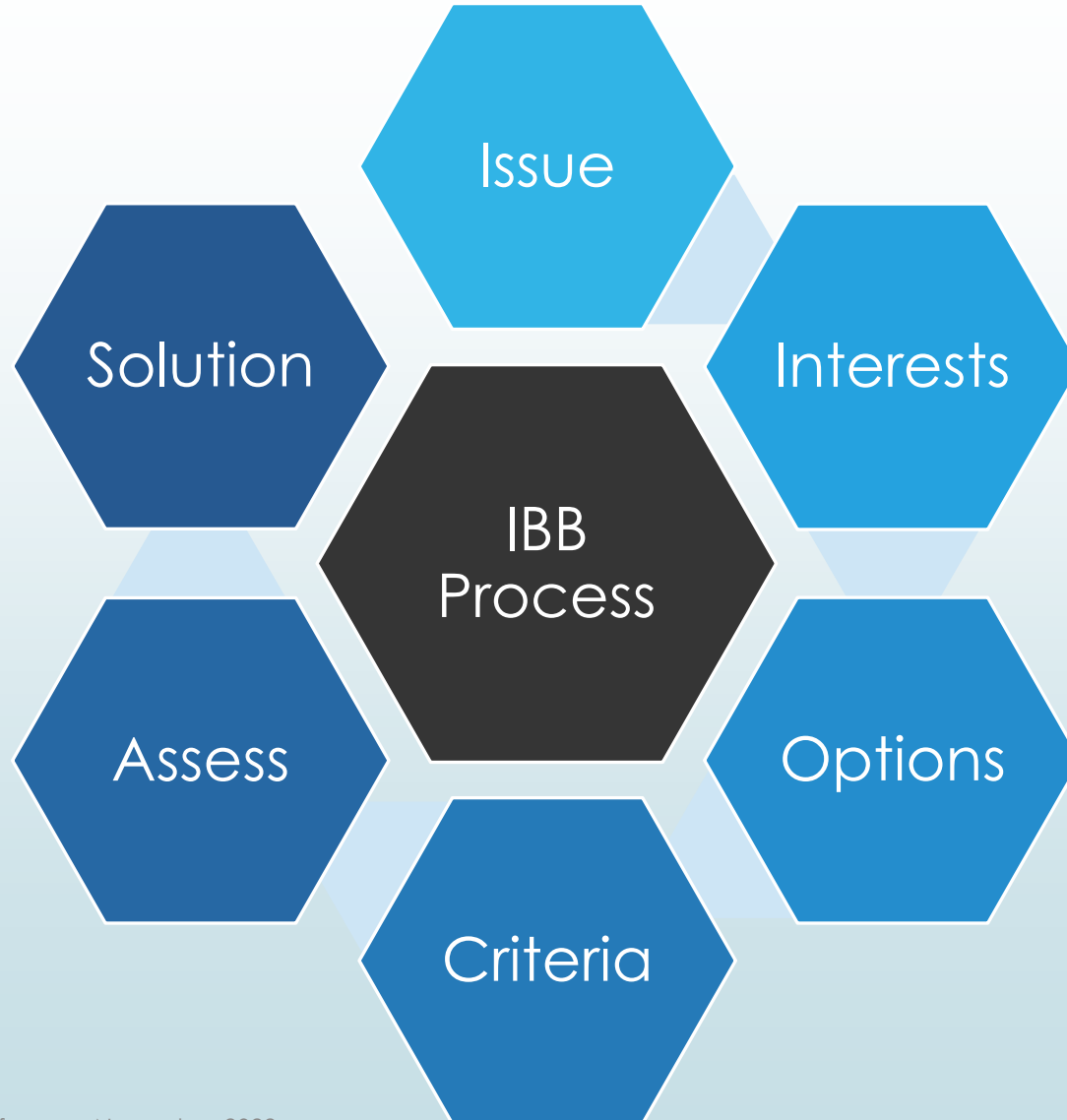
Initial Proposal – (This is Traditional Bargaining)

- ▶ Should be written; take care to clarify language added or ~~deleted~~
- ▶ District proposal should be thoroughly vetted
 - ▶ Need to have a rationale for every item
- ▶ Union proposal
 - ▶ Unions often do not cost out their proposal
 - ▶ Initial economic proposal often a placeholder; therefore, it should not be taken personally or seriously
 - ▶ Is initial offer a member's concern, or union boilerplate, or a throwaway
- ▶ On-going sessions - usually language issues before economic issues

Interest-Based Bargaining



“IBB is a negotiation process used when parties wish to collaborate to develop win-win solutions.” *Tom Melancon, Commissioner, Federal Mediation and Conciliation Service.*



Analyzing Union Proposals

- ▶ Is this a negotiable item, or is it educational policy, or does it violate law?
- ▶ Fiscal Analysis – many items will have at least a minimal fiscal impact
 - ▶ May need to use estimates
 - ▶ May need to provide a range of potential costs
 - ▶ Salary and health care costs should be need to be calculated
- ▶ Management Impact
 - ▶ Run it confidentially by first line supervisors, if appropriate
 - ▶ Run it by payroll team when appropriate
- ▶ Long term perspective
- ▶ What could go wrong with this proposal? Imagine scenarios.
- ▶ Is this language clear? Will it be misinterpreted by future employees and administrators?

Resolving Bargaining Issues

- A. Tentative agreements (T.A.'s)
- B. Package proposals
- C. Supposals
- D. Complete/final TA
- E. Impasse
- F. Mediation
- G. Advisory arbitration
- H. Back to table
- I. Last, best offer
- J. Strike (and back to table)



Ratification

- ▶ Union always holds a ratification vote before Board of Education ratifies



After Negotiations

- ▶ Implementation
 - ▶ Frequently falls to human resources director and/or chief school business official to implement, especially all economic aspects
 - ▶ Communicate with business office staff, administrators, and others as necessary
- ▶ Reconciliation
 - ▶ Sometimes superintendents are dismissed
 - ▶ Sometimes the chief business official will need to develop communication channels with union



Negotiating Issues

- A. How to budget
- B. Balancing work and family life
- C. Parity among multiple bargaining units
- D. Diversity within bargaining unit
- E. Managing the Collective Bargaining Agreement
- F. Evaluations
- G. Relationships throughout the year



Collective Bargaining: it's a process

- ▶ Could get contentious
- ▶ Maintain professionalism
- ▶ The Board should actively not engage because the Board is the ultimate decision maker; therefore, board members should maintain an arm's length relationship when labor negotiations are underway.
 - ▶ Develop deflecting statements to be ready when approached about bargaining issues



Questions?



Definitions

- ▶ Dynamic Status Quo – an oxymoron meaning that an existing collective agreement continues beyond its expiration date if a successor contract is not in place
 - ▶ Steps must be granted
 - ▶ Leave must be permitted
 - ▶ Fringe benefits must be continued
- ▶ Maintenance of Standards – a clause in most collective agreements that restricts management
 - ▶ Past practice is codified although not mentioned in agreement



The End

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