

Section H
NEGOTIATIONS

File: H
NEGOTIATIONS

NOTE: This section is for filing policies relating to the process of negotiations, not for filing personnel "policies" that have been negotiated. (Most of the latter would go in the Personnel Section if you determine to include items from negotiated agreements in your policy manual.)

In compiling a policy manual, you need to make a decision at the start as to how you will handle the various statements in agreements with staff units that relate to the bargaining process and to employee compensation, benefits, and other conditions of work determined through the process.

It is recommended that:

1. You use references to pertinent portions of agreements as appropriate to the various categories in the classification system. Otherwise, use agreement excerpts verbatim as appropriate to the various categories.
2. Whichever method you choose, be consistent in the treatment of negotiated "policies" throughout your manual and give the same treatment to agreements with all staff units with which you negotiate.

Many examples of the use of contract references appear in the Personnel (G) Section of this reference manual.

File: HA

NEGOTIATIONS GOALS

The School Committee recognizes that education is a public trust; it therefore is dedicated to providing the best possible educational opportunities for the young people of this community. In negotiations, this objective may be best attained if there is a climate of mutual trust and understanding between the negotiating parties.

The School Committee believes that the best interests of public education will be served by establishing procedures that provide an orderly method for the School Committee and representatives of the staff to discuss matters of common concern.

It is further recognized that nothing in negotiations will compromise the School Committee's legal responsibilities nor will any employee's statutory rights and privileges be impaired.

NEGOTIATIONS LEGAL STATUS

All negotiations between the School Committee and recognized employee groups are conducted subject to Chapter 150E of the Massachusetts General Laws. The legal status of negotiations is defined in part by Section 2 of that chapter, as follows:

Employees shall have the right of self-organization and the right to form, join, or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion. An employee shall have the right to refrain from any or all of such activities, except to the extent of making such payment of service fees to an exclusive representative as provided in section twelve.

Basic to all employer/employee negotiations is the concept of "bargaining in good faith." It is the legal responsibility of both the School Committee and employee organizations to bargain in good faith as they conduct negotiations. However, such obligation does not compel either party to agree to a proposal or make a concession.

Established by law

LEGAL REF: M.G.L. 150E:1 et seq.

SCHOOL COMMITTEE NEGOTIATING AGENTS

The School Committee is responsible for negotiations with recognized employee bargaining units. However, because of the expertise and time required for negotiations, the Committee may hire a negotiator to bargain in good faith with recognized bargaining units to help assure that mutually satisfactory agreements on wages, hours, and other terms and conditions of employment will be developed.

The School Committee will appoint the negotiator and the fee or salary for his services will be established in accordance with the law at the time of appointment.

The duties of the negotiator will be as follows:

1. To negotiate in good faith with recognized bargaining units to arrive at a mutually satisfactory agreement on wages, hours, and working conditions of employees represented by the units.
 - a. The negotiator may recommend members of the administration to serve on the negotiation team. They will not be members of any unit that negotiates with the Committee, and their participation in negotiations must be recommended by the Superintendent and approved by the Committee.
 - b. He/she will direct accumulation of necessary data needed for negotiations, such as comparative information.
 - c. He/she will follow guidelines set forth by the Committee as to acceptable agreements and will report on the progress of negotiations.
 - d. He/she will make recommendations to the Committee as to acceptable agreements.
2. The negotiator will interpret the signed negotiated contracts to administrators and may be called upon to offer advice on various aspects of contract administration during the terms of the contracts with employee organizations.

LEGAL REF: M.G.L. 71:37E