Collective Bargaining

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OSBA Summer Board Conference

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OREGON SCHOOL BOARDS ASSOCIATION
Agenda

- Process
- Terminology
- Bargaining Preparation
- Mediation
- Post-Mediation
- Questions
Definition of Collective Bargaining

What is the PECBA?

What is Collective Bargaining?
  - ORS 243.650(4)

Note: This session will focus primarily on statutory bargaining.
Cyclical Process

- Most CBAs 2-3 years
- Cycle
  - Negotiation Preparation
  - Bargaining
  - Impasse Process
  - Settlement
  - Contract Administration
Terminology

Good faith bargaining
Permissive Subject  Confidential Employee
Non-traditional Bargaining
OSEA  Final Offer
Status Quo
Impasse  Self Help
OEA  ERB
Mandatory Subject  Cooling Off Period
UniServ

OREGON SCHOOL BOARDS ASSOCIATION
Participants

Collective Bargaining – Core Program

- Board
- Superintendent
- Union
- Consultant
- ERB
District Participants

- District Representation
  - Board Member
  - Superintendent
  - Principal
  - HR Director
  - Business Manager
- District’s Attorney
- Private Negotiator
- OSBA
Union Groups

- OEA
  - Oregon Education Association
- OACE
  - Oregon Association of Classified Employees
- Bargaining Councils
- OSEA
  - Oregon School Employees Association
Impasse after 15 days of mediation

Parties may agree to mediation prior to end of 150 days

Petition for factfinding within 30 days of publishing

Factfinding hearing

Accept/reject report

ERB publishes report

Negotiations may continue

Reach agreement

30 day cooling off period ends

Mediator may declare impasse at any time

Within 7 days of impasse each party submits cost summary, language of offer to mediator

Mediator publishes final offer

30 day cooling off period begins

Employer may implement

Union may give 10 days notice

Mediation begins

Mediation

Bargaining begins

Impasse

Negotiations Flowchart
Bargaining Preparation
Develop a Team

- Board member(s)
- Administrators
- Central office personnel
  - Human Resources
  - Business Manager
  - Data support
  - Media relations
- Negotiator/Spokesperson
What to look for in a Chief Negotiator

- Knowledge of law
- Knowledge of system
- Communicator
- Able to emotionally detach
- Team Coach
Develop a Plan

- Review current Agreement
- Audit the status quo
- Review grievances and other conflicts
- Prepare a “Goals Statement”
Develop a Plan

- Develop bargaining positions
- Anticipate union proposals
- Anticipate external issues
Develop a Plan

- Select your bargaining team
- Consider the use of outside consultants
- Prepare with the bargaining team for the initial and following meetings
Gather Relevant Information

- Contract Information
- External Economic Information
- The Budget
- General Information
- Grievances
- Past Practices
- Community Issues
Economic Information

- Salaries
- Insurance
- Leaves
- Professional development
- CPI
- Enrollment trends
- Comparison districts
- Revenue Projections
Location

- Meeting space
- Caucus rooms
- Room design
- Day or night
Basic Bargaining Requirements

- Bargain in good faith
  - Totality of conduct
    - Surface bargaining
    - Regressive bargaining
    - Change in circumstances
  - *Per Se* violations
- Meet at reasonable times
- Execute written contracts
- No required concessions
Table Dynamics

- Physical layout
- Body language
- Spokesperson
- Theater
- Communications
- Recorders
- Caucus
- Notebooks
Protocols

- Ground Rules
- Notes/Minutes
- Open vs. closed session
- Decorum
- Other
Proposals

Denoting Changes:
- Strikethroughs and underlines
- Track changes
- Color coding of paper
- Font style and size
- Date and time of receipt
Proposals

- Initial Proposal
  - Goal-based
  - Sets tone
  - Full contract for initial proposal
Mediation

- Declaring mediation
- Role of the parties
- Initial Meeting
- Dynamics
- Proposals
- Supposals
- Sessions
Declaring Mediation

- When
- How
- Who
- Fee
Role of the Parties

- Role of the mediator
- Role of the board
Dynamics

Meet:
- Separately
- Together
- Subcommittees
- Representatives
- In the hall
Proposals, “Supposals”

- Written proposals
- Concepts
- Mediator as Messenger
- Mediator proposals
Sessions

- Session length
- Mediator leaves
- Mediator returns
After Mediation

- Final offers/costs
- 30-day cooling off
- Factfinding
- Self Help
  - Implementation
  - Strike
Final Offers

- Within 7 calendar days
- Language, cost summaries
- Published
30-Day Cooling Off

- Calendar days
- May continue bargaining
- May continue mediation
- May elect factfinding
Implementation

- Part or all
- Notice
- Purpose
Strike

- Notice
- Purpose
Questions?

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