



NDSBA

NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

NEGOTIATIONS BASICS + PREPARATION AND STRATEGY

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NDSBA

AGENDA

- ❑ Recognition process
- ❑ Preparation and strategy tips
- ❑ Negotiations meetings
- ❑ Ground rules
- ❑ Common pitfalls to avoid





NEGOTIATIONS BASICS HANDBOOK



RECOGNITION PROCESS

- NDCC chapter 15.1-16: teacher representation and negotiations
- Notice of intent **at least 160 days** before contract anniversary date (July 1st)
- Once notice provided and *regardless of who provides notice*, must complete recognition process
- During process, the board:
 1. Recognizes negotiating unit
 2. Recognizes representative organization
- 2-step process; however, steps are often combined
- See Handbook for sample language at each step



NEGOTIATING UNIT



- Descriptions of positions that will subject to the negotiated agreement
- “All employees licensed or approved to teach by ESPB and employed primarily as **classroom teachers**”
- PAY ATTENTION!!
- At open meeting, board reviews description and, if acceptable, approves petition
- Non-superintendent administrators



REPRESENTATIVE ORGANIZATION

- Teachers choose an “organization” to represent them in negotiations with board
- Usually local teachers association
- Must represent a **majority plus 1** of negotiating unit members
- Petition must be accompanied by evidence substantiating it represents sufficient number of unit members
- What kind of evidence?



REPRESENTATIVE ORGANIZATION

- Within 10 days of receipt of petition, board must post notice of its intent to consider petition
- Must be posted in each school wherein unit members are employed
- Petition must be posted for at least 10 days, but not more than 20 days
- Notice of intent to consider must also be posted in all district schools
- Board must meet to consider no sooner than 10 days, but no later than 20 days



- Common to combine both request in one petition
- Common to file with notice of intent
- What then?
- Make sure follow required timeline
- Board could meet once or twice
- What I am seeing this go around...

WHAT IF
FILE BOTH
REQUESTS
AT ONCE?



RECOGNITION PROCESS

- Process to contest representative organization (see appendix to handbook)
- Notice of recognition must be posted
- Negotiations must begin **within 30 days** of recognition, **UNLESS** parties agree otherwise
- Representative organization's authority to represent negotiating unit lasts through duration of contract or until another representative organization is recognized
- Negotiations must be completed by **July 1** unless parties agree otherwise



BEFORE YOU RUSH TO THE TABLE...

- Determine goals for negotiations (board and administration)
 - Review the current contract and identify any concerns
 - Are there changes you want to make in school operations that require changes or additions to contract?
 - Any issues remaining from last negotiations session that didn't get resolved?



PREPARATION AND STRATEGY

- Brainstorm the issues or topics the teachers might bring to the table
 - Issues or complaints brought to the administration since last negotiation session
 - How is the district currently addressing these concerns?
 - Should this be addressed in policy as opposed to negotiated agreement?
 - Review issues from last session and think about if they will impact current session
 - Issues brought up in other districts? Statewide issues?

MORE ON PREPARATION AND STRATEGY

What will be the role of administration? Business manager?

- Typically used as source of information for both sides
- How will they communicate with both sides during negotiations?

Salary considerations

- How much would you like to offer current staff?
- How much do you think you need to offer to attract the teachers you want?
- Don't negotiate the district's budget!
- Comparative data from other similarly-situated districts
- Ability to sustain for the long-term?



NEGOTIATIONS MEETINGS

- Planning meeting
- Meetings with teacher representatives
- Status updates to full board



PLANNING MEETING

- ✓ Special meeting of board
- ✓ Appoint a negotiations committee (less than a quorum)
- ✓ Executive session to discuss strategy
 - Draft/review ground rules
 - Review negotiated agreement
 - Determine goals/desired revisions
 - Prioritize proposals
 - Provide instructions to negotiators (i.e. first offer, spokesperson)
- ✓ Reconvene in open session, but don't discuss

MEETINGS WITH TEACHER REPS

- ✓ Pre-determine how many meetings (and how long) before consider impasse
- ✓ Board committee meetings are meetings of the board
- ✓ Open to public, properly noticed (special meetings)
- ✓ Negotiations committee may go into executive session *during* these meetings (NDCC 15.1-16-22)
- ✓ Duty to negotiate in good faith
- ✓ Record meetings?



STATUS UPDATES TO FULL BOARD



- Negotiations committee should bring proposals and status updates back to full board
- Executive session allowed to discuss strategy
- Board should provide additional instructions
- **Tentatively** approve items



GROUND RULES

- Set of rules for negotiations agreed upon by board negotiators and teachers
- First negotiation meeting
- NOT in negotiated agreement
- Completion date
- Sample in Handbook



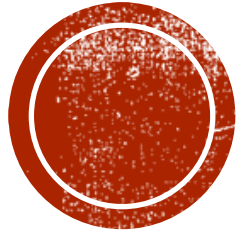
COMMON PITFALLS

- Failure to properly prepare
- Failure to stick to ground rules
- Failure to declare impasse in timely manner
- Failure to remember 'YOU ARE THE BOSS'
- Failure to recognize financial implications of decisions
- Failure to clear up vague, problematic language





QUESTIONS?



The information provided during this presentation is for informational purposes only and is not intended as direct legal advice. If you need direct legal advice or assistance in a particular situation, please contact your district legal counsel.



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