The Superintendent’s Role in Collective Bargaining

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Checklist

- Identify and know the expectations
Sample Superintendent Job Descriptions

• Successful experience with labor relations and managing bargaining agreements
• Manage labor relations
• Oversee collective bargaining process
• Lead collective bargaining
Checklist

- “Good faith” is the guiding principle
Collective Bargaining

• RCW 41.59.020(2) – Collective bargaining means the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times in light of the time limitations of the budget-making process, and to bargain in good faith in an effort to reach agreement to the wages, hours, and terms and conditions of employment.
Good Faith Bargaining

• Meet at reasonable times and places
• Bargain over mandatory subjects of bargaining
• Bargain with intent to reach an agreement
• Endeavor to agree on an effective bargaining process
• Refrain from bargaining directly the employees
• Make every reasonable effort to conclude negotiations with a final written agreement
• Reduce to writing the matters agreed on as a result of the negotiations
• Honor and administer existing agreements
• Do no unilaterally change a term of employment that is mandatory subject and while the parties are bargaining
• Never go for the “gotcha moment”
Duty to Bargain

• “Good faith” does not compel either party to agree to a proposal or to make a concession. RCW 41.56.030(4).

• Difficult bargaining is not synonymous with illegal or bad faith bargaining, unless the difficult issues indicate an intent to not actually bargain in good faith.
Checklist

☐ Know what areas MUST be bargained
Mandatory v. Permissive Bargaining

• Mandatory:
  • Wages, hours, conditions of employment

• Permissive
  • Management rights

• Impact (or “Effects”) Bargaining
  • Obligation to bargain the “effects” of unilateral decisions regarding areas of permissive bargaining.
• “In this case, the employer was within its right to reduce staffing. While the employer was not obligated to bargain the decision to reduce staffing, the employer remains obligated to bargain the impacts of that decision.” Central Washington University, Decision 10413-A
Checklist

☐ Pick your lead bargainer
Selecting a Lead Bargainer

• Outside vs. inside bargainers

• Experience vs. inexperience (other duties as assigned)

• Superintendent as lead bargainer
Checklist

☐ Select the District bargaining team
Selecting a Team

• Central office administration vs. building
Checklist

- Determine the budget
Budget

• Determining how much money is available

• Cost out the contract

• Cost out percentage increases, cost of days
Checklist

- Know your comparable districts
Comparisons

• How do we compare with other districts?
• Identify comparable districts.
• ERNN, SERS, WSPA
Checklist

- Meet with the board to set parameters
Setting Parameters

• Liaison with the board
• Setting expectations
• Provide road map for updates
• Review roles of the board, the team, and the superintendent
Checklist

- Effective and adequate preparation
Preparation

- Survey administrators for recommendations for contract changes
- Review the past year’s grievances and union issues or areas where the practice does not match the contractual language

**Review**
- Recent history of increase of COLA
- Current CPI
- Review all raises given in the district, especially administration
- District salary rankings
- Revenue projections
- Cost to provide unit members an increment, and the percentage of unit members eligible for an increment
- Cost to provide unit members with a 1% increase
Preparation

• Come into the bargain PREPARED

• Tip: Do a full contract review before the bargain.
  • Four Categories of Contract Review
    • Housekeeping Items
    • Legal Compliance Issues
    • Additional Language
    • Takeaways
Checklist

- Understand true impact of proposals
• Increasing demand to “add” restrictive contractual language
  • Guaranteed planning time
  • Class size language
  • Work load restrictions
  • Restrictions on meetings
Impact on Management Rights

- Management retains all rights not limited by the agreement
  - Reserved rights doctrine

The underlying premise of collective bargaining agreements is that management retains all rights of a common law employer which are not bargained away or limited by the collective bargaining agreement.

- Arbitrator Raymond R. Roberts
• Flexibility to meet management needs

• Restoration of management rights

• Potential take-back language
Take-Backs

- Strategies for presenting take-backs
  - Example – 54 minute planning time

*The District will provide secondary teachers an equivalent of one (1) period of the student’s school day for the purpose of individual planning, this daily planning will be no less than 54 minutes.*
Who is drafting the language?

• **Tip:** The district needs to be involved in the drafting of all contract language

• Position the district to draft the initial language for better control
The Contract

• Tip: Do not treat the contract like a personnel manual

• It is impossible and unadvisable to draft language to cover every situation
Checklist

- Develop a communication plan
Communication

• Develop a plan to update:
  • Administrative team
  • School board
  • Public
Checklist

- Develop opens lines of communication with colleagues