

## SECTION H: NEGOTIATIONS

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HA	Negotiations
HAA*	Negotiations Priority Objectives
HB	Negotiations Legal Status
HC*	Scope of Negotiations
HD	School Board Negotiating Powers and Duties
HE	Board Negotiating Agents
HF	Superintendent's Role in Negotiations
HG	Employee Organization
HH	Privileges of Staff Negotiating Organizations
HI	Payment of Negotiations Costs
HJ	Negotiations Procedure
HJA	Negotiations Deadlines for the Board
HK	Release of Negotiations Information
HL*	Preliminary Negotiated Agreement Disposition
HM	Procedures Following Ratification
HN*	Impasse Procedures
HO	Work Stoppage
HP*	Negotiated Amendments and Renegotiations Procedures

\* Denotes topics not covered by Board policy.

## NEGOTIATIONS

The Board negotiates in good faith with the District's bargaining units that are certified by the State Employment Relations Board (SERB) and endeavors to reach agreement on items properly within the scope of bargaining.

The Board is governed by State law regarding collective bargaining with its certified employee bargaining units for the purpose of entering into binding contracts. The scope of bargaining includes matters pertaining to wages, hours, terms, other conditions of employment and the continuation, modification or deletion of an existing provision of a collective bargaining agreement.

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REF.: ORC Chapter 4117

CROSS REF.: HD, School Board Negotiating Powers and Duties

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

## NEGOTIATIONS LEGAL STATUS

The Board negotiates in accordance with ORC Chapter 4117 with organized employee organizations certified under law by the State Employment Relations Board (SERB).

[Adoption date: October 15, 2012]

LEGAL REF.: ORC Chapter 4117

CROSS REF.: HD, School Board Negotiating Powers and Duties

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

## SCHOOL BOARD NEGOTIATING POWERS AND DUTIES

The Board is recognized as the sole employer of the District and specifically retains unto itself all management rights as defined by law, except as specifically provided in the negotiated agreement(s). The Board is a party to the labor contract(s) or agreement(s) entered into with State Employment Relations Board (SERB) certified employee organization(s).

The Board has a duty to choose a negotiating team to meet with the representatives of the certified employee unit(s) to fulfill its responsibilities to bargain collectively in compliance with State law.

The Board has the responsibility of reviewing any tentative agreement reached in bargaining with the employee organization and approving or disapproving such agreements.

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REF.: ORC Chapter 4117

CROSS REFS.: HA, Negotiations  
HE, Board Negotiating Agents

## BOARD NEGOTIATING AGENTS

The Board decides whether to appoint a professional negotiator or to appoint representatives from within the District to serve as the Board's negotiating team(s). The fee or salary for a professional negotiator is established by the Board at the time of appointment. The Board appoints members to the bargaining teams who best serve the District's interest and who meet the qualifications mandated by law.

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REFS.: ORC 4117.04; 4117.10; 4117.20

CROSS REFS.: HA, Negotiations  
HD, School Board Negotiating Powers and Duties

## BOARD NEGOTIATING AGENTS

### Appointment of a Professional Negotiator

The negotiator's fees or salary are established at the time of appointment.

The duties of the negotiator are to:

1. negotiate in good faith with the recognized bargaining units to attempt to arrive at a mutually satisfactory agreement on issues which are properly within the scope of bargaining by:
  - A. assisting and directing the Board's bargaining team in accumulating necessary data and information which may be needed for negotiations;
  - B. following guidelines set forth by the Board as to acceptable agreements and report on the progress of negotiations and
  - C. making recommendations to the Board as to acceptable agreements;
2. interpret the signed negotiated contracts to Board members and administrators and
3. plan, organize, direct and represent the District in mediation, fact-finding, arbitration and any other hearings involving negotiated contracts or grievances.

(Approval date: October 20, 1997)

(Re-approval date:)

## SUPERINTENDENT'S ROLE IN NEGOTIATIONS

To the extent determined by the Board and permissible by law, the Superintendent is closely involved in planning, preparing and participating in the bargaining process.

The degree of involvement by the Superintendent in negotiations is specifically determined by the Board upon consultation with the Superintendent.

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REFS.: ORC 3319.01  
4117.20

## EMPLOYEE ORGANIZATION

The employee organization which is certified as the exclusive bargaining representative of the employee group by the State Employment Relations Board (SERB) negotiates in accordance with ORC Chapter 4117. The Board conducts negotiations with only certified bargaining employee organizations.

[Adoption date: October 15, 2012]

LEGAL REF.: ORC Chapter 4117

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

## PRIVILEGES OF STAFF NEGOTIATING ORGANIZATIONS

The Board recognizes that those public employees as defined by ORC 4117.01 have the following rights:

1. to form, join, assist, participate in, or refrain from forming, joining, assisting or participating in any employee organization of their own choosing;
2. representation by an employee organization;
3. to bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification or deletion of an existing provision of a collective bargaining agreement and enter into collective bargaining agreements and
4. to present grievances and have them adjusted without the intervention of the bargaining representative as long as the bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.

The above listed rights may be subject to the provisions of the contract agreement.

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REF.: ORC Chapter 4117.01; 4117.03; 4117.08; 4117.10

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

PAYMENT OF NEGOTIATIONS COSTS

The Board appropriates funds to provide representation for the District in the collective bargaining process. The costs of negotiations vary depending upon the Board's use of professional negotiators and the involvement of school administrators and experienced staff.

[Adoption date: October 20, 1997]  
[Re-adoption date: October 15, 2012]

LEGAL REF.: ORC 4117.14

## NEGOTIATIONS PROCEDURE

The negotiations procedure is jointly developed by the Board and the recognized employee organization(s) in accordance with ORC Chapter 4117.

Contracts or agreements negotiated between the Board and the recognized employee organization(s) shall be no longer than a maximum of three years.

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REF.: ORC Chapter 4117

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

## NEGOTIATIONS DEADLINES FOR THE BOARD

The Board and the recognized organization(s) bargain under mutually agreed negotiation procedure, and continue in full force and effect all the terms and conditions of any existing bargaining agreement for a period of 60 days after the party gives notice or until the expiration date of the collective bargaining agreement, whichever occurs later.

Once the tentative agreement on all collective bargaining issues between the Board and the recognized employee organization(s) are submitted to the Board, the Board acts on the tentative agreement as a whole within 30 calendar days.

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REF.: ORC Chapter 4117.14

CONTRACT REFS.: Teachers' Negotiated Agreement  
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RELEASE OF NEGOTIATIONS INFORMATION

Negotiations between the Board and an employee organization are private and are not conducted in public session. Communication relative to the bargaining process with the news media and the public is by a person or persons designated by the Board; such communications are carried out in accordance with Board policy and the obligation or prerogative of the Board under the collective bargaining contract(s) or agreement(s).

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REFS.: ORC 102.03(B)  
121.22(G)  
4117.21

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

## PROCEDURES FOLLOWING RATIFICATION

The Board ensures that the negotiated agreement is distributed to all administrative staff. The Board directs the Superintendent to provide an in-service on the implications of the provisions included in the contract or agreement for all its administrative staff.

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REF.: ORC 4117.14

## WORK STOPPAGE

State law defines a strike to be a continuous concerted action in failing to report to duty; willful absence from one's position; and stoppage of work in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in wages, hours, terms or other conditions of employment.

In the event of a strike, the Board makes efforts to keep the schools open and operating. Precautions are taken for the safety and health of the working staff and students.

The Board directs the administration to develop a strike plan as a precautionary measure well in advance of any anticipated work stoppage.

[Adoption date: October 20, 1997]

[Re-adoption date: October 15, 2012]

LEGAL REFS.: ORC 4117.01; 4117.15; 4117.16; 4117.18; 4117.23

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement