

## SECTION H: NEGOTIATIONS

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## NEGOTIATIONS

The Board is governed by Ohio 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.

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

[Adoption date: January 14, 2002]

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 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: January 14, 2002]

LEGAL REF.: ORC Chapter 4117

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

## BOARD NEGOTIATING AGENTS

Prior to commencement of any negotiations, 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 team who best serve the District's interests and who meet the qualifications mandated by law.

[Adoption date: January 14, 2002]

LEGAL REFS.: ORC 4117.04; 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: January 14, 2002)

## 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: January 14, 2002]

LEGAL REFS.: ORC 3319.01  
4117.20

## PRIVILEGES OF STAFF NEGOTIATING ORGANIZATIONS

Except as may be expressly limited by negotiated agreement(s) the Board recognizes that public employees generally have the following rights:

1. to form, join, assist, participate in or refrain from forming, joining, assisting or participating in any employee organization;
2. to be represented by an employee organization;
3. to bargain collectively with their public employers to determine wages, hours, terms, other conditions of employment and 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 representatives, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.

[Adoption date: January 14, 2002]

LEGAL REFS.: ORC 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: January 14, 2002]

LEGAL REF.: ORC 4117.14

## NEGOTIATIONS PROCEDURE

The negotiations procedure may be jointly developed by the Board and the certified employee organization(s) in compliance with Ohio law. In the absence of a mutually agreed-upon dispute resolution process, the negotiations procedure provided by State statute prevails.

[Adoption date: January 14, 2002]

LEGAL REFS.: ORC 4117.14; 4117.21

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

## NEGOTIATIONS DEADLINES FOR THE BOARD

The Board and the certified employee organization(s) bargain under a mutually agreed-upon negotiations procedure, which continues in full force and effect all the terms and conditions of any existing bargaining agreement. The parties shall continue to bargain in good faith, and the collective bargaining agreement remains in full force and effect until the impasse procedure is exhausted or the collective bargaining agreement expires, whichever is later.

When the tentative agreements on all collective bargaining issues between the Board and the employee organization are submitted to the Board, the Board acts on the tentative agreement as a whole, within 30 calendar days.

[Adoption date: January 14, 2002]

LEGAL REF.: ORC 4117.14

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

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: January 14, 2002]

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 provides an in-service orientation program on the implications of the provisions included in the contract or agreement for all its administrative staff.

[Adoption date: January 14, 2002]

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: January 14, 2002]

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

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