

# Negotiation Update

Why is it taking so long?



# What is a Collective Bargaining Agreement?

- Simply, it is a contract between an organization and the representative of employees relative to wages, hours, and working conditions
- Usually in place for a specific period of time
- The CBA is binding on both parties and both sides have to live with the terms of the agreement

# Mandatory Subjects

- “Must” bargain
  - Wages, hours, and working conditions
    - Some examples include:
      - Wages
      - Benefits – insurance, vacations, holiday pay, etc.
      - Work rules
      - School Calendar
      - Class Size, conferences, planning time, and length of day
      - Duration of agreement

# Permissive Subjects

- “May bargain”
  - Management decisions fundamental to operation
    - Some Examples
      - Appointment of Committee members
      - Seniority for those formerly in unit
      - Hiring process for new employees
      - Curriculum or educational policy decisions
      - 80/20 vs Hard Cap
      - Bargaining ground rules

# Formerly Prohibited Subjects

## Spring and Summer 2024

- Dues Collection
- Teacher Placement
- Teacher Discipline and Discharge
- Teacher Layoff and Recall
- Classroom Observations
- Evaluations
- Merit Pay
- Notice to parents/guardians of student assigned to a teacher rated as ineffective
- Intergovernmental Contracting

# Prohibited and Illegal Subjects

## Prohibited Subjects

- Those listed in section 15 of PERA (MCL 423.215)
  - Examples
    - Establishment of first day of school
    - Experimental or pilot programs
    - Whether and to what level to offer inter/intra school of choice
    - Use of volunteers

## Illegal Subjects

- Those that would require violation of statutes
  - Examples
    - Waiver of overtime or minimum wage (FLSA)
    - Discriminatory clauses
    - Waiver of tenure
- Either party to negotiations may refuse to discuss a prohibited subject (although may voluntarily do so).
- Public employer may act unilaterally with respect to any prohibited subject without bargaining to agreement or impasse.
- Neither party may maintain to impasse a proposal pertaining to a prohibited subject.
- Any provision in a collective bargaining agreement covering a prohibited subject is not enforceable.

# Formerly Prohibited Subjects

- Most removed from contracts beginning in 2011.
- Some formerly prohibited subjects are very technical and governed by various laws.
- Many Districts in Michigan without an attorney on staff employ an MASB consultant or their District Attorney to support the negotiation process for both the Board and employees.
- Most local associations have a UniServ Director, who is a full-time professional who provides support to employees and their locals during negotiations to support the process.

# What is a PERA Request?

- School District must provide relevant information requested by a union if there is a reasonable probability that the information will assist the union with collective bargaining or with enforcing its collective bargaining agreement.
- An employer must respond to a PERA information request within a “reasonable” time. There is no precise definition for “reasonable.” Reasonable is determined on a case-by-case basis but a school should respond promptly.



# PERA Request

- November 1, 2024 (1)
  - A list of all FEA Bargaining Unit Members employed by the District for each
  - school year beginning with the 2019-20 school year and concluding with the
  - current school year (2023-24). For each Bargaining Unit Member, please
  - including the following information:
    - a. Date/Year of hire
    - b. Step and Degree placement for each of the requested years.
    - c. FTE Status for each year's employment
    - d. Salary earnings for each school year.
    - e. The annual amount paid by the district for FICA on behalf of each
    - employee for each of the requested years.
    - f. The annual non-UAAL amount paid by the district to MPSERS on behalf
    - of each employee for each of the requested years.
    - g. The annual MPSERS rate for each employee, NOT inclusive of UAAL
    - percentages.
    - h. The amount paid by the district each year for each person's medical
    - insurance election.
    - i. The amount paid by the district each year for each person's non-medical
    - insurance election.
    - j. The annual CIL amounts received by each enrollee who opted out of
    - medical benefit coverage.

# PERA Requests

- March 1, 2024 (2)
  - A list of all Administrative and Non-Unit affiliated staff current wages and contracts including salary and benefit packages and any addendums or extensions.
  - Attorney cost for the 2021, 2022, 2023, and 2024 (current) school years.
- July 1, 2024 (1)
  - A list of all Administrative and Non-Unit affiliated staff current wages and contracts including salary and benefit packages and any addendums or extensions. This includes the contracts approved at the June 18, 2024 Board meeting.
- August 16, 2024 (3)
  - The total amount of the salary Dave Pruneau received for mentoring during your contract, with the beginning date and ending date of his services
  - current total amount that has been paid to Thrun Law Firm for their services for bargaining the 2024 - 2026 contract, including total billable hours charged, costs both at the table, with yourself, and with the board, their administrative cost that they have charged, and any other billable costs. Please include the beginning and ending dates of this information.
  - The number of employees who have been a 1.2 FTE and the total cost for the following years: 2019 - 2020, 2020 - 2021, 2021 - 2022, 2022 - 2023, 2023 - 2024. Also, include if they were paid with the 1/6 formula that is in the FEA current contract or paid using 20%.

# Bargaining Sessions

- 16 Meetings To Date
- Approximately 93.5 hours negotiating
  - March 13, 2024 – 4 pm – 5:30 pm
  - March 20, 2024 – 4 pm to 5:30 pm
  - April 2, 2024 – 4 pm to 6:00 pm
  - April 11, 2024 - 4 pm to 6:00 pm
  - April 30, 2024 – 4 pm to 6:00 pm
  - June 8, 2024 – 9 am to 5:00 pm
  - June 10, 2024 – 1 pm to 6:00 pm
  - June 20, 2024 - 9 am to 5:00 pm
  - July 8, 2024 – 9 am to 5:00 pm
  - July 17, 2024 – 8 am to 4:00 pm
  - July 29, 2024 – 9 am to 11:00 pm
  - August 5, 2024 – 9 am to 5:00 pm
  - August 8, 2024 – 9 am to 4:00 pm
  - August 13, 2024 – 9 am to 5:00 pm
  - August 26, 2024 – 2:30 pm to 6:00 pm
  - September 10, 2024 – 2:30 pm to 6:00 pm
  - September 17, 2024 – 2:30 pm to 6:00 pm