

NEGOTIATIONS

In compiling a policy manual, you need to make a decision at the start as to how you will handle the various statements in agreements with staff units that relate to the bargaining process and to employee compensation, benefits, and other conditions of work determined through the process.

It is recommended that:

1. You use references to pertinent portions of agreements as appropriate to the various categories in the classification system. Otherwise, use agreement excerpts verbatim as appropriate to the various categories.
2. Whichever method you choose, be consistent in the treatment of negotiated "policies" throughout your manual and give the same treatment to agreements with all staff units with which you negotiate.

Many examples of the use of contract references appear in the Personnel section of this reference manual.

SOURCE: MASC Policy

Adoption: 1/18/1996

First reading 2005 revision: November 22, 2005

Second reading: December 13, 2005

Adoption: January 11, 2006

Proposed reconsideration: January, 2011

Hull Public Schools

NEGOTIATIONS GOALS

The School Committee recognizes that education is a public trust; it therefore is dedicated to providing the best possible educational opportunities for the young people of this community. In negotiations, this objective may be best attained if there is a climate of mutual trust and understanding between the negotiating parties.

The School Committee believes that the best interests of public education will be served by establishing procedures that provide an orderly method for the School Committee and representatives of the staff to discuss matters of common concern.

It is further recognized that nothing in negotiations will compromise the School Committee's legal responsibilities nor will any employee's statutory rights and privileges be impaired.

SOURCE: MASC Policy

Adoption: 1/18/1996

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NEGOTIATIONS LEGAL STATUS

All negotiations between the School Committee and recognized employee groups are conducted subject to Chapter 150E of the Massachusetts General Laws. The legal status of negotiations is defined in part by Section 2 of that chapter, as follows:

Employees shall have the right of self-organization and the rights to form, join, or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion. An employee shall have the right to refrain from any or all of such activities, except to the extent of making such payment of service fees to an exclusive representative as provided in section twelve.

Basic to all employer/employee negotiations is the concept of "bargaining in good faith." It is the legal responsibility of both the School Committee and employee organizations to bargain in good faith as they conduct negotiations. However, such obligation does not compel either party to agree to a proposal or make a concession.

Established by law

SOURCE: MASC Policy

LEGAL REF: M.G.L. 150E:1 et seq.

Adoption: 1/18/1996

First reading 2005 revision: November 22, 2005

Second reading: December 13, 2005

Adoption: January 11, 2006

Proposed reconsideration: January, 2011

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SCHOOL COMMITTEE NEGOTIATING POWERS AND DUTIES

Nothing in any collective bargaining agreement between the School Committee and a recognized bargaining agent for an appropriate unit of employees shall be deemed to derogate from or impair any power, right or duty possessed by the School Committee, except where such right, power or duty is specifically limited by a legally valid provision of a collective bargaining agreement.

In the event of a conflict between the provisions of a collective bargaining agreement and any policy or procedure set forth in the Policy Manual then said collective bargaining agreement should prevail to the extent permitted by relevant laws.

Adoption: 1/18/1996

First reading 2005 revision: November 22, 2005

Second reading: December 13, 2005

Adoption: January 11, 2006

Proposed reconsideration: January, 2011

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SCHOOL COMMITTEE NEGOTIATING AGENT

The School Committee appoints a negotiating team to represent it in all negotiations with recognized bargaining events.

The role and authority of the Committee's negotiating team is limited to the conduct of negotiations and the making of tentative agreements that shall be subject to review and ratification by the full School Committee.

During off years the Superintendent or his/her designee shall represent the School Committee in all matters pertaining to collective bargaining (i.e., grievances, arbitrations, proceedings pertaining to negotiations, limited negotiations and communication with employee organizations). The Superintendent shall seek legal counsel when he/she deems necessary and shall bring to the attention of the School Committee all matters that require its approval.

No one other than an authorized negotiating team in the context of negotiations or the Superintendent or his/her designee is authorized to represent the School Committee in any communications or negotiations with an employee organization.

Adoption: 1/18/1996

First reading 2005 revision: November 22, 2005

Second reading: December 13, 2005

Adoption: January 11, 2006

Proposed reconsideration: January, 2011

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STAFF JOB ACTIONS

It should be understood that the School Committee and administration judge any work stoppage by school district employees to be an illegal act. With this premise as a basis, the philosophy of the Committee and administration will be to keep schools open so long as the health and safety of the students and staff can be assured. In the event that any work stoppage should become an imminent threat to the health and safety of the students and staff an alternate plan of action will be immediately enforced and initiate appropriate legal action.

Action Regarding Work Stoppage

The Superintendent of Schools or his/her designee in consultation with the Chairman of the School Committee will make the initial decision as to whether or not schools will remain open. If this consultation is not possible, the Superintendent or his/her designee is authorized to make the decision.

The decision as to what schools will remain open will be made by the Superintendent of Schools or his/her designee after consultation with the Chairman of the School Committee. If this consultation is not possible, the Superintendent or his/her designee is authorized to make the decision.

There will automatically be a meeting of the School Committee in its regular meeting place and time during the evening the work stoppage has occurred. If prior warning of a possible stoppage is forthcoming, the Superintendent is authorized to call a School Committee meeting to be held at the usual meeting place and time on the designated date. This decision will be made after consultation with the Chair of the Committee, if possible.

It is expressly understood that no Committee member other than the Chair (or designee) will issue any press releases or statements in regard to the work stoppage. The Chair and the Superintendent (or designee) are authorized to make joint statements that they deem to be in the best interests of the Committee. In the absence of the Chair, the Superintendent (or designee) may operate under this authorization.

Adoption: 1/18/1996

First reading 2005 revision: November 22, 2005

Second reading: December 13, 2005

Adoption: January 11, 2006

Proposed reconsideration: January, 2011

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