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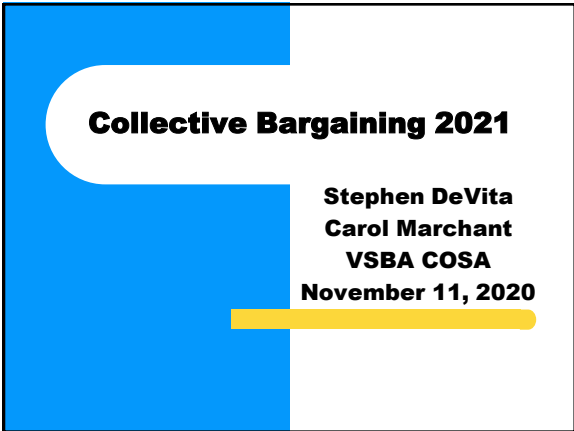
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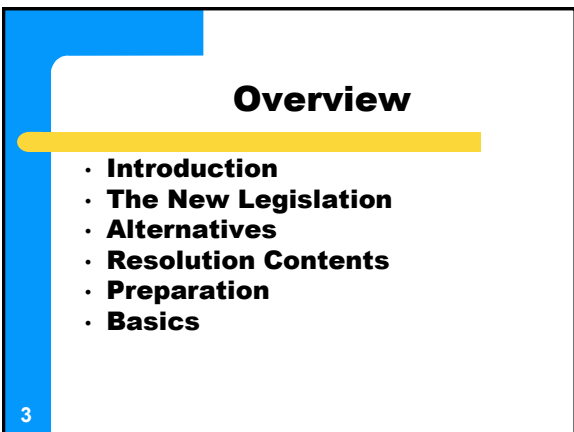
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### Introduction

SB 939 & HB 582  
Passed 2020 Gen. Assembly  
VSBA Collective Bargaining TF  
Governor Extends Eff. Date: 5/1/21  
CB--Not Required

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### Introduction

#### VEA:

“Things that directly benefit communities--staffing levels, class sizes, adequate training, up-to-date emergency response equipment — can all be negotiated in a contract”



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### New Legislation

#### Strikes are still prohibited.

§40.1-55– “deemed terminated”  
“ineligible for employment”  
“for 12 months”

§40.1-55(B) (New) above applies regardless of collective bargaining by public employees

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**New Legislation—2 Scenarios**

Sua Sponte Resolution §40.1-57.2(A)

vs.

Vote Compelled by “Certification”  
§40.1-57.2(C)

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**New Legislation**

Sua Sponte Resolution shall

- a) “Provide Procedures” To Certify/Decertify the exclusive BU representative

What does this mean?  
Does §40.1-54.3(B) Apply?

§40.1-57.2(A)

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**New Legislation**

Sua Sponte Resolution—More

- b) Reasonable Public Notice/Opportunity for Labor Orgs “to intervene”

In the process for designating an exclusive representative

§40.1-57.2(A)

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### New Legislation

#### Sua Sponte Resolution—More

c) Banned Restrictions on authority to:

- Establish a budget
- Or
- Appropriate funds

§40.1-57.2(B)

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### New Legislation

#### “Certification” To Compel a Vote:

- a) **Within 120 days** of receiving “certification” from a majority in a unit “considered by such employees to be appropriate...” AND
- b) For “any other employees deemed appropriate by the governing body.”

§40.1-57.2(C)

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### Alternatives

The Prince William Way

-- Carol Marchant



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### Alternatives

Include local assn. in strategic efforts such as:  
 Leadership advisory teams,  
 Salary study committees,  
 Professional Development planning,  
 Calendar committees,  
 Conduct Special Board Meetings to hear solely from employees,  
 Meet regularly, and  
 Communicate often.



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### Other Resolution Contents (???)

- Define Bargaining Unit
- Identify Exclusive Agent
- Certification/Decertification Process
- Other Provisions

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### •Define Bargaining Unit

**NO LAW + NO GUIDANCE = WILD WEST**

- Desires of employees.
- Community or commonality of interest.
- The similarity of wages, hours and working conditions and locations.
- Unnecessary bargaining unit fragmentation.
- Efficiency of school board, schools and administrative operations.
- Complexity of Unit.

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**•NOT IN The Bargaining Unit**

- Elected Officials
- Confidential Employees
- HR Personnel
- Management Employees and immediate staff

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**CERTIFICATION & IDENTIFICATION**

- Purpose: Identify the Exclusive Bargaining Agent
- HOW: Subsection (B) Process (???)
- HOW: Subsection (A) Process
  - Unit Involved?
  - Percentage Needed?
  - Authorization Cards or Secret Ballot?

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**Resolution Contents**

Other Provisions (???)

1. Scope of Bargaining
2. Effects Bargaining
3. Impasse Provisions
4. Management Rights

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### Scope of Bargaining

1. Wages Only;
2. Wages, Hours and Terms and Conditions of Employment; or
3. "Any matter relating to the bargaining unit employees, their employment or service"

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### Impasse Procedures

1. When does it exist?
2. When Best and Final Offer Issued?
3. Remedy:
  - A. Non-binding mediation?
  - B. Public Fact-Finding Report to Board?

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### Management Rights

- Matters of inherent managerial policy
- Areas of discretion or policy functions, programs, services, budget, technology, and structure;
- Direct, supervise, evaluate, or hire employees;
- Maintain and improve the efficiency and effectiveness of governmental operations;

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### Management Rights

- Discipline, lay off, transfer, assign, schedule, promote, or retain employees;
- Determine the adequacy of the work force;
- Determine the overall mission of the employer as a unit of government;
- Effectively manage the work force;
- Take actions to carry out the mission of the Board as a governmental unit.

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### Resolution Contents

#### Other Provisions (???)

- Order of Precedence
- Emergency Authority
- Funding Contingency
- Evergreen Provision

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### BARGAINING BASICS

- Positional v. Interests Based
- Free Choice as to Neg. Team
- Professional Negotiator
- Third-party Intervention

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## BARGAINING BASICS

- Past Practice
- Policies/Rules/Regulations
- School/employee Handbooks
- Insurance policies
- Forms
- MOUs, other agreements
- State and Federal Law

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## BARGAINING BASICS

- Pattern Bargaining
- "Me too" clauses
- LANGUAGE IS EVERYTHING

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## BARGAINING BASICS

- KEY: Relationship Building
  - Build a healthy relationship;
  - Trust and respect each other; and
  - Recognize the interests are different.

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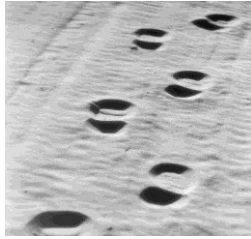
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## Time Line

- Next Steps
    - November/December
- Educate Board  
Get Direction



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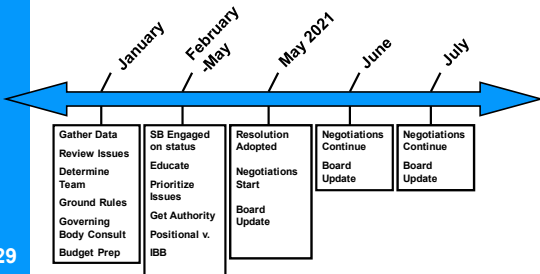
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## Timeline



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THANK YOU !



## Final Thoughts

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