



Rocklin Unified School District

NEGOTIATION FAQs

Facts & answers to questions about labor negotiations

March 10, 2014

Committed to keeping you informed

Our District is currently in contract negotiations with the Rocklin Teachers Professional Association (RTPA). The Board of Education and district administration believe all stakeholders in the education community should have access to accurate, timely, and complete information. A lot is at stake in these negotiations that will affect students, employees, parents, and our community. Editions of this publication provide facts and answers to frequently asked questions about the collective bargaining process, issues being discussed in negotiations, and District finances. Interested parties can obtain additional information by accessing the district's web site at www.rocklinusd.org.

This edition of *Negotiations FAQs* addresses:

The PERB Impasse Resolution Process

Q: Are teachers required to be members of a union?

A: Yes, under state law, teachers must join or pay a mandatory service fee to the union. Rocklin operates under what is known as an “agency fee” agreement with the RTPA. All certificated employees that qualify as members of the teacher bargaining unit must either join the union or pay an equivalent fee for representation. The unit includes classroom teachers, librarians, psychologists, speech pathologists, and counselors. Union dues are \$1,006 per year and are deducted from the teachers paychecks monthly

Q: Are teachers currently working without a contract?

A: No, the current teacher contract is still in place.

The current contract expired on July 1, 2013 but remains in effect until a successor agreement is negotiated. Last year's teacher salaries and benefits continue as is until a new agreement on total compensation is reached. The district has implemented the usual automatic step and column pay increases for longevity and continuing education credits for all employees still moving up the salary schedule. A majority of our teachers received a step and/or column increase this year. This is equal to a 3.5% salary increase and it has been reflected in their paychecks.

Q: What happens if both sides can't reach an agreement in negotiations?

A: The state law creating collective bargaining rights for public employees also contains a mandatory impasse resolution process.

If it becomes clear that the District and union bargaining teams cannot reach a mutually acceptable agreement through standard negotiations, either one or both of the parties may ask the state to intervene. The Regional Director of the Public Employment Relations Board (PERB) is asked to issue a formal declaration of impasse. When that happens, PERB assigns a neutral mediator from the State Mediation

and Conciliation Service taken from a list approved by the parties. The impartial mediator then facilitates all talks between the two teams.

Q: Is the district at impasse under state collective bargaining law?

A: The district is seeking a declaration of impasse from the state.

The negotiating teams met five times over the past three months and jointly attended two budget briefings, but still have not seen any movement toward a fiscally responsible compromise. To expedite the process, the district asked PERB to certify that we are at impasse so we could benefit from a neutral mediator to facilitate future talks. This is a normal part of public school labor negotiations and hundreds of school districts have used mediation to narrow their differences and clarify the issues in dispute. The District has not “walked away” from negotiations; we are asking PERB to step in to provide a much-needed reality check as we try to reach common understanding of the facts with union leaders. The District is committed to negotiating in good faith in an atmosphere of mutual respect, honesty, and open communication.

Q: How does mediation work?

A: It varies according to the style and techniques favored by the appointed mediator.

In most cases, on the day of the mediation session, the neutral might meet together with the parties and then shuttle back and forth between their separate caucus meetings to float ideas and offer/counteroffers. The role of the mediator is to see if he or she can identify where the parties might be willing to compromise in their positions. The mediator also can offer his or her own suggestions for a settlement. This is all done in closed sessions not open to the general public or rank and file employees. It is up to the mediator to decide how long mediation should continue. Sessions are scheduled as long as the mediator feels they will be productive. Mediation can last weeks and sometimes even many months.

Q: What happens if an agreement is not reached in mediation?

A: If a settlement is not reached, the mediator will officially certify the parties to fact finding.

This is the final step in the state’s impasse resolution process. The parties cannot proceed to fact finding without the approval of the mediator.

Q: How does fact-finding work?

A: An impartial three-person fact finding panel will be convened to review the arguments and proposals from both sides and issue a set of non-binding recommendations for a settlement.

District management and the union each appoint one member to the fact-finding panel. Then, they mutually agree on a neutral, independent fact finding panel chairperson from a list of qualified labor relations professionals supplied by the state. The fact finding hearing usually takes about a month to schedule. It can take longer. The hearing is not open to the public.

Q: What is involved in the fact-finding hearing?

A: The panel schedules and holds private hearings where both sides present their last, best offers.

The District and the union prepare extensive binders with comparative data and arguments defending their positions. The panel members meet in private to evaluate the positions and the data. Within 30 days they are required to issue a report that contains findings of fact and non-binding recommendations. Before the report is made public, the parties have one more chance to meet in closed session to reach a

tentative agreement. If they do not, then the executive board of the union and the School Board vote to accept or reject the fact finder's report. By statute, this process can take no longer than ten days from the time the report is made public.

Q: Is the fact finder's recommendation binding on the parties?

A: The fact finder's report is advisory only.

Fact-finding is not like arbitration where an administrative law judge decides between competing proposals presented by either side in a dispute. Arbitration is a winner-take-all situation. In fact finding, the panel chairperson can make suggestions that are compromises. However, the fact finder cannot introduce issues that have not already been submitted in the last best offers by the parties.

Q: Can negotiations continue while fact-finding is underway?

A: Possibly.

The fact-finding process usually involves a series of back and forth discussions or mediation sessions involving the fact finding panel chair and both bargaining teams after the hearing is finished. In some cases, once the parties have heard all of the facts and have some indication of the fact finders' positions, a settlement agreement can be reached and the process ends. In other cases, the parties cannot agree that day, but agree to resume mediation while the fact finder's report is pending. Sometimes a settlement agreement can be reached prior to the report being issued. The state collective bargaining law requires that once the fact finding report is issued, the parties must meet at least one more time to see if the provisions of the neutral's report can form an acceptable basis for a negotiated settlement.

Q: If the impasse process doesn't lead to an agreement will there be a teacher strike?

A: Talk of a teacher strike occurring is premature.

Strikes are legal in California, but they cannot occur until all steps in the impasse process have been exhausted. At this point, it would be illegal for the union to engage in any concerted work stoppage prior to a fact finders final report being made public. Since we are just beginning the mediation process a strike, if it was going to occur is many months away. Typically, union leaders take a strike authorization vote to show solidarity and put pressure on management to settle the dispute. It also enables the union leaders to declare a strike without going back to the teachers for approval. *This process does not allow members to vote whether they want to accept the district's last best offer or go on strike.*

Q: Can the district just impose its last, best and final offer if fact finding doesn't work?

A: Yes. The last, best and final offer is the only unilateral action that the district can impose if a negotiated agreement cannot be reached.

In that case, the district would simply adjust the salary schedule and benefit package accordingly and move forward. However, since the union would still maintain the right to strike, it is unlikely that the district would unilaterally impose a new contract. The current salary schedule would remain in effect until a new agreement is signed by both parties.