Collective Bargaining

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Digital Handouts

Download an electronic copy of the slides, at

FanWil.com/SamFrancis2016

Collective Bargaining

Disclaimer

 Every situation is fact-specific, so it is strongly recommended that you obtain legal advice from your solicitor or labor counsel, who adequately can assess your unique situation

Collective Bargaining

- Bargaining in Difficult Times
- Preparing for Bargaining
- Common Errors, Questions, and Misconceptions
- Hot Topics at the Table

Bargaining in Difficult Times

- Many of the same strategies apply, but some issues may be more pronounced or more important
- "Tough times" can refer to more than just money – i.e. most issues are "economic" issues
- Class size
- Prep time
- Voluntary and involuntary transfers
- Performance evaluation
- Don't give away rights just because you don't have money to give

Bargaining in Difficult Times

- Tone: Tensions may be high already; how you communicate will impact substantive progress
- What you communicate will impact progress as well (i.e. explain yourself)
- · Education is important
- Employees, community, etc.
- · Not just while formally bargaining
- Not just about your formal issues (e.g. explain your spending, your personnel moves, etc.)
- Focus on issues more than personalities

Bargaining in Difficult Times

- Financial considerations:
 - Know what everything costs (again, not just "economic" items)
- Use detailed multi-year models, with as few guesses or assumptions as possible
- Make shorter term commitments on items that contain greater risk (e.g. health insurance)

Preparing for Bargaining

- You ALWAYS are (or should be) preparing for bargaining
 - Administer agreement and other policies fairly, and treat employees well
 - Inconsistent enforcement often causes union to bring issues to the table that you won't want to address in the CBA
 - Inconsistent enforcement also causes disputes about what existing language may mean, impacting discussions of modifications
 - Know general state of employer/employee relationship
 - Saying to union, "Trust me," carries different weight based on nature of relationship
 - Credibility matters. Will union believe you when you say what your priorities are and why, or when you describe your budget situation?

Preparing for Bargaining

- You ALWAYS are (or should be) preparing for bargaining
 - Know what problems you have had with language/ grievances/arbitrations/etc.
 - This is very helpful for the bargaining team (board, labor counsel, etc.) to know what language items are important to administration
 - Helps to understand WHY you want to make a change to certain language items
 - Don't wait until it is time to bargain to begin preparing this list
- Know your existing Memoranda of Agreement eliminate surprises

Preparing for Bargaining

- Forming Your Team
- · Who Should Be on the Team?
 - · How many Board members?
 - · Which Board Members?
 - Which Administrators?
 - What About Supporting Roles?
 (On the team but not at the table)
- Considerations
- Personalities
- Politics
- Ethics Act / conflict issues

Preparing for Bargaining

- Financial Preparations
- Know your historical costs
 - · Costs directly spent on the unit
 - Health insurance
 - Tuition reimbursement
 - Substitute costs
 - PSERS
 - Other significant District expenses
 - Special education
 - Transportation
 - Capital Expenses

Preparing for Bargaining

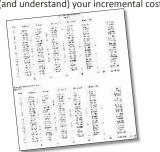
- Financial Preparations
- Know your historical revenue and fluctuations to it
 - · Significant retirements/attritional savings
 - Significant losses due to tax appeals or similar changes
 - Tax history
- Know your budgeted/anticipated expenses
 - Both current year AND long term
 - Anticipated use of fund balance

Preparing for Bargaining

- · Know (and understand) your incremental cost
- Cost of moving CURRENT complement of teachers through the CURRENT salary schedule
- · Mostly theoretical you likely will not ever spend that amount
- · Based on a snapshot, and should not change throughout bargaining despite fact that the ACTUAL complement will change

Preparing for Bargaining

• Know (and understand) your incremental cost



Preparing for Bargaining

- · Determine how you will communicate
- At the table primary spokesperson?
- To the full Board How often and how much?
- · To constituents and media?
- · To employees directly: not at all.

Preparing for Bargaining

- · Focus on the initial proposal
- · Perhaps the most important proposal of all
- Establishes roadmap and priorities
- · You can reserve the right to modify or add to your proposal based on how discussions progress, but be
 - · Loss of credibility
- · Potential unfair labor practice

Errors, Questions & Misconceptions

- Formal table position vs informal/floats/etc.
- Table position
 - Latest offer formally presented to the union, generally at the bargaining table
 - Should not regress potential ULP
- · Informal or similar options
 - Why?

 - Sidebar discussions
 - · "hypothetical floats" or "supposals"

 - · Still should not regress, but often can be fluid

Errors, Questions & Misconceptions

- · Status quo
- Once existing collective bargaining agreement expires
- No change to any terms or conditions of employment
- Effect of "sunset dates"
- What about step movement?
- · What about health insurance premium sharing, retirement bonuses, HRA/HSA contributions, etc.? A: It depends. Check your Agreement

Errors, Questions & Misconceptions

- Past practice
 - Evidence of a past practice is admissible to shed light on parties' interpretation of vague or ambiguous language
 - Be careful making proposals intended to "clarify" or "interpret" existing language
 - Can be admission language does NOT mean what you want it to

Errors, Questions & Misconceptions

- Past practice EXAMPLE
- "District shall pay the sum of \$2,000, to each employee who otherwise is eligible for coverage on the District's health plan but who notifies the District by June 1 of each year that he or she declines to be covered on any district plan for the upcoming fiscal year."
- Spouses both work in District, and one asks not to be covered but to receive the buyout while being covered as a dependent under spouse's plan.
- To prevent employees from asking, or to give easy answer when they do, District wants to propose "...covered on any District plan, including as a dependent spouse on a plan provided to another employee..."
- Bad idea!

Errors, Questions & Misconceptions

- Past practice
 - What if, in the example, the District did make a payment to the employee and wanted to clarify that it shouldn't have?
 - How do you end a practice that is inconsistent with the agreement?
 - Notify union of proposed end to practice
 - Make it union's burden to carry it on
 - Possibly go to arbitration

Errors, Questions & Misconceptions

- General Strategic Errors
 - Trying to move too far too fast "cut to the chase" (No need to play games, but the process – which is legally required – does not include efficiency as a goal)
 - Not being able to articulate why you want what you want
- Not caring about who develops salary schedule

Hot Topics at the Table

- Health insurance strategies
- Premium Sharing vs. Plan Design Changes
- Reimbursing portions of deductibles (HRA/HSA/etc.)
- "Cadillac Tax" implications and means for addressing
- Spousal coverage
- Cyber education (coming from unions)
- Class size proposals
- Pay per student
- · Limits on number of classes taught
- How teachers are assigned

Hot Topics at the Table

- Teacher Evaluation
- Building and grade/class assignment (since test scores impact evaluations)
- Bargaining over Student Learning Objectives
- Use of technology in observing and evaluating
- Clearances
 - Paying
 - Tracking of renewals and notice of deadlines

TEACHER STEP PLACEMENT 2015-2016

STEP	Bachelor		Masters		Masters+15		Masters+30		Masters+60			
1	\$34,652	3	\$35,722		\$38,227		\$38,727		\$39,477			\$103,956
2	\$36,652	2	\$37,722	2	\$40,227	1	\$40,727		\$41,477			\$188,975
3	\$39,171		\$40,241	1	\$42,746		\$43,246		\$43,996			\$40,241
4	\$41,027	10	\$42,097	1	\$44,602		\$45,102		\$45,852			\$452,367
5	\$42,671	3	\$43,741		\$46,246		\$46,746		\$47,496			\$128,013
6	\$43,440	3	\$44,510	2	\$47,015		\$47,515		\$48,265			\$219,340
7	\$44,209		\$45,279		\$47,784	2	\$48,284	1	\$49,034			\$143,852
8	\$44,871	2	\$45,941	2	\$48,446	2	\$48,946	1	\$49,696	1		\$377,158
9	\$45,598	4	\$46,668		\$49,173	1	\$49,673	1	\$50,423			\$281,238
10	\$46,275	2	\$47,345	1	\$49,850	1	\$50,350	1	\$51,100	1		\$291,195
11	\$48,275		\$49,345		\$51,850	2	\$52,350	1	\$53,100			\$156,050
12	\$50,275	2	\$51,345	1	\$53,850		\$54,350		\$55,100			\$151,895
13	\$51,675	3	\$52,745		\$55,250	1	\$55,750		\$56,500			\$210,275
14	\$53,075	2	\$54,145	1	\$56,650	1	\$57,150	2	\$57,900	1		\$389,145
15	\$54,505		\$55,575	1	\$58,080		\$58,580		\$59,330			\$55,575
16	\$55,935	2	\$57,005		\$59,510	3	\$60,010	1	\$60,760			\$350,410
17	\$58,422		\$59,492		\$61,997		\$62,497		\$63,247	1		\$63,247
18	\$60,910	1	\$61,980		\$64,485		\$64,985		\$65,735			\$60,910
19	\$63,397		\$64,467		\$66,972		\$67,472		\$68,222			\$0
20	\$66,385	6	\$67,455	4	\$69,960	9	\$70,460	7	\$71,210	4		\$2,075,830
		45		16		23		15		8	107	\$5,739,672
		.5		-0		_3		-5		3	207	Ų3,733

TEACHER STEP MOVEMENT ONLY 2016-2017

STEP	Bachelor		Masters		Masters+15		Masters+30		Masters+6	<u>0</u>		
1	\$34,652		\$35,722		\$38,227		\$38,727		\$39,477			\$0
2	\$36,652	3	\$37,722		\$40,227		\$40,727		\$41,477			\$109,956
3	\$39,171	2	\$40,241	2	\$42,746	1	\$43,246		\$43,996			\$201,570
4	\$41,027		\$42,097	1	\$44,602		\$45,102		\$45,852			\$42,097
5	\$42,671	10	\$43,741	1	\$46,246		\$46,746		\$47,496			\$470,451
6	\$43,440	3	\$44,510		\$47,015		\$47,515		\$48,265			\$130,320
7	\$44,209	3	\$45,279	2	\$47,784		\$48,284		\$49,034			\$223,185
8	\$44,871		\$45,941		\$48,446	2	\$48,946	1	\$49,696			\$145,838
9	\$45,598	2	\$46,668	2	\$49,173	2	\$49,673	1	\$50,423	1		\$382,974
10	\$46,275	4	\$47,345		\$49,850	1	\$50,350	1	\$51,100			\$285,300
11	\$48,275	2	\$49,345	1	\$51,850	1	\$52,350	1	\$53,100	1		\$303,195
12	\$50,275		\$51,345		\$53,850	2	\$54,350	1	\$55,100			\$162,050
13	\$51,675	2	\$52,745	1	\$55,250		\$55,750		\$56,500			\$156,095
14	\$53,075	3	\$54,145		\$56,650	1	\$57,150		\$57,900			\$215,875
15	\$54,505	2	\$55,575	1	\$58,080	1	\$58,580	2	\$59,330	1		\$399,155
16	\$55,935		\$57,005	1	\$59,510		\$60,010		\$60,760			\$57,005
17	\$58,422	2	\$59,492		\$61,997	3	\$62,497	1	\$63,247			\$365,332
18	\$60,910		\$61,980		\$64,485		\$64,985		\$65,735	1		\$65,735
19	\$63,397	1	\$64,467		\$66,972		\$67,472		\$68,222			\$63,397
20	\$66,385	6	\$67,455	4	\$69,960	9	\$70,460	7	\$71,210	4		\$2,075,830
		45		16		23		15		8	107	\$5,855,360

TEACHER STEP MOVEMENT ONLY 2017-2018

45

16

STEP	Bachelor		Masters		Masters+15		Masters+30		Masters+60		
1	\$34,652		\$35,722		\$38,227		\$38,727		\$39,477		\$0
2	\$36,652		\$37,722		\$40,227		\$40,727		\$41,477		\$0
3	\$39,171	3	\$40,241		\$42,746		\$43,246		\$43,996		\$117,513
4	\$41,027	2	\$42,097	2	\$44,602	1	\$45,102		\$45,852		\$210,850
5	\$42,671		\$43,741	1	\$46,246		\$46,746		\$47,496		\$43,741
6	\$43,440	10	\$44,510	1	\$47,015		\$47,515		\$48,265		\$478,910
7	\$44,209	3	\$45,279		\$47,784		\$48,284		\$49,034		\$132,627
8	\$44,871	3	\$45,941	2	\$48,446		\$48,946		\$49,696		\$226,495
9	\$45,598		\$46,668		\$49,173	2	\$49,673	1	\$50,423		\$148,019
10	\$46,275	2	\$47,345	2	\$49,850	2	\$50,350	1	\$51,100	1	\$388,390
11	\$48,275	4	\$49,345		\$51,850	1	\$52,350	1	\$53,100		\$297,300
12	\$50,275	2	\$51,345	1	\$53,850	1	\$54,350	1	\$55,100	1	\$315,195
13	\$51,675		\$52,745		\$55,250	2	\$55,750	1	\$56,500		\$166,250
14	\$53,075	2	\$54,145	1	\$56,650		\$57,150		\$57,900		\$160,295
15	\$54,505	3	\$55,575		\$58,080	1	\$58,580		\$59,330		\$221,595
16	\$55,935	2	\$57,005	1	\$59,510	1	\$60,010	2	\$60,760	1	\$409,165
17	\$58,422		\$59,492	1	\$61,997		\$62,497		\$63,247		\$59,492
18	\$60,910	2	\$61,980		\$64,485	3	\$64,985	1	\$65,735		\$380,260
19	\$63,397		\$64,467		\$66,972		\$67,472		\$68,222	1	\$68,222
20	\$66,385	7	\$67,455	4	\$69,960	9	\$70,460	7	\$71,210	4	\$2,142,215

23

15

8 107

\$5,966,534 \$111,174 1.90%

\$115,688

2.02%