

Collective Bargaining

Collective bargaining is the process of negotiating a contract for salary, benefits and working conditions between an employer and a union. At Lincoln-Sudbury the only organized employee union is the Teachers' Association. The following description reflects general bargaining practice as well as the specific requirements under the L-S collective bargaining agreement.

Collective bargaining is governed by labor laws with respect to the allowable term of a contract (up to three years), what constitutes fair (or unfair) bargaining, and how to resolve conflicts when the two parties cannot reach an agreement.

At Lincoln-Sudbury the approach to collective bargaining has been for the employer (the School Committee) to establish a bargaining team consisting of two or three School Committee members and a representative from the Administration that meets directly with the three members of the Teachers' Association ("TA") who have been elected by the membership to represent it. In addition, the law requires that the municipality have a representative who serves on the School Committee only for the purpose of discussing collective bargaining strategy and voting a contract. In the case of Lincoln-Sudbury as a regional district, one person is selected as the representative for both towns. In addition, the School Committee may elect to have this municipal representative be a member of its bargaining team, although this is not common.

Both the School Committee and the TA prefer to negotiate directly without the use of outside legal counsel or other professional representation "at the table", although both parties can consult with their legal counsel and there is nothing that precludes either of the teams from enlisting professional representation to be part of the team.

The collective bargaining process typically begins in the year preceding the end of the current contract term. Either party may notify the other in writing of its request to begin bargaining. Once the notice occurs, a series of meetings is scheduled. The meetings are conducted in executive session – i.e., they are not open to the public to attend. The parties may choose to establish ground rules for how the bargaining sessions will be conducted, when proposals will be submitted to each other, how data will be collected and shared, how the status of the negotiations may or may not be communicated to others, etc. The two parties meet until such time as the terms for a new contract have been agreed upon.

In the event that the School Committee and the TA cannot agree on a new contract before the existing contract expires, the existing contract terms pertaining to salary and working conditions continue in effect. The School Committee cannot unilaterally change terms and conditions of employment. There may be some terms of the existing contract that do not automatically continue but labor law defines what constitutes the terms that must carry forward.

The School Committee and Teachers' Association are required to bargain in good faith in an attempt to reach agreement. If either party refuses to do so, the other party can file an unfair labor practice charge. If the two parties cannot reach agreement after a good faith effort, the law allows for the two parties to mediate. If mediation fails to result in an agreement, the next step is fact-finding. In both mediation and fact-finding, the goal is to reach resolution. However, if no resolution can be reached through these steps, the parties may seek arbitration. Unlike with public safety arbitration, the arbitration of teachers' contracts is not binding unless the parties have agreed in advance to be bound by the arbitrator's findings.