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# Collective Bargaining Landscape & Guideposts

MASC Learning Lunch

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## Disclaimer:

The information in this presentation is provided for training and educational purposes only and should not be considered legal advice.

# The New Landscape

Recent Trends in Collective Bargaining

# The Unions' New Bargaining Landscape

- Requests for “open bargaining” (bargaining in public)
- Requests to meet in an auditorium or gymnasium
- Requests to negotiate all units that the state union represents in the District together (i.e., teachers, administrators, paraprofessionals, custodians, permanent substitutes, food services...)
- Unlimited “silent representatives” who change from bargaining session to bargaining session
- Refusal to identify the number or names of “silent representatives”
- Core bargaining team members include individuals not employed in the unit being negotiated
- Refusal to bargain about ground rules (even where the parties have agreed to the same/similar ground rules during the past several rounds of negotiations)
- Has one set of proposals for all units

# The Unions' New Landscape

- Propose bargaining schedule designed to ensure that the contracts expire before agreements can be reached
  - The Union is not available to start bargaining until late Winter or early Spring
  - The Union can only meet twice per month
- Repeatedly interrupt and talk over management representatives at the table
- Playing to the ever-changing silent reps by repeating statements from one bargaining session to the next sessions because there is a new audience of silent representatives present
- Proposals include non-mandatory subjects of bargaining (i.e., every school shall have at least one social worker and two nurses)

# The Unions' New Landscape

- Increase in grievances and unfair labor practice charges
- Work to Rule (Work to Fairness)
- Informational picketing before/after the workday
- Union signs in classrooms and throughout school buildings
- Large number of union members in union t-shirts at school committee meetings
- Multiple union leaders and/or members speaking during public comment at school committee meetings

# Red Flags Early in the Process

- Recent incorporations and larger payments to the MTA prior to negotiations
- Timing of Negotiations (not starting until spring; declining to bargain during summer; infrequent sessions)
- Entire unit(s) as silent representatives
- Requests to meet in auditorium or gymnasium
- Large number of proposals and proposals that both parties know are unrealistic or impossible
- Coordinated Union T-shirts at the start
- Union signs in the classroom (on school property)
- Refusal to negotiate ground rules when the union has negotiated ground rules in prior negotiations

# Union Communication and Advocacy Strategy

Social media campaigns. Increase in communications with parents and the public including using public comment at school committee meetings

Use of students – articles by students in newspapers and student walk outs in support of teachers

Informational picketing before and after the workday

Union T-shirts (usually on one day per week)



# It Can Get Personal

- Statements that morale has never been lower
- Votes of no confidence in school committee members or the school committee as a whole
- Votes of no confidence in the superintendent
- Blaming the school committee negotiators and attorneys
- Fake reviews to the businesses/work locations of school committee members and their spouses and initiating boycotts of the businesses/workplaces of school committee members and their spouses
- Picketing the homes and workplaces of school committee members and their spouses
- Statements to school committee members' children during school or school activities

# Objecting to Assistance from the State

Union denies that the parties are at impasse and claims it has room to move

Union objects to assistance from a DLR-appointed mediator

# Communications Strategy

# Establish a Communication Strategy

- It's never too early to start
- Use communication vehicles to reach your audience
- Determine the settings before you start
- Have consistent and factual communications so that your platform is a trusted resource for accurate and up-to-date information
- Maintain communications even after the bargaining is over
- Remember your audience is busy; get to the point in the first couple of paragraphs. Use links to detailed information, graphs, charts, etc.
- Consider engaging a professional

# Communication Strategy



Bargaining objectives should be aligned with District goals



Communicate the Committee's goals to the public (open session) before bargaining starts.



Anticipate the union's message and proactively communicate the facts that support the Committee's goals in negotiation updates to the public

# Communication Strategy

- For example, if you are negotiating with a union representing paraprofessionals and the union has publicly cited increased vacancies and unfilled positions, review data from comparable and neighboring districts to put the information into context. For example, at an open session meeting, the Committee may ask the HR Director for an update on
  - Paraprofessional vacancies and hiring efforts
  - Comparison of the market rate in the area for wages and the wages paid by the District
  - Low unemployment in the area and
  - Vacancies in the same position in comparable and neighboring districts

# Some Dos and Don'ts for Engaging in Communications

## Do

- Make Timely Communications
- Obtain input from administrators
- Assign one spokesperson to communicate with media outlets
- Ensure messaging is consistent with District goals
- Stick to the facts
- Explain the Committee's positions and the impact on the education of the students of proposals that are in the public.

## Do Not

- Use infrequent or inconsistent messaging
- Use charged language when discussing negotiations or the union
- Wait to rebut inaccurate information in the public
- Get emotional (but continue to zealously advocate)

# Communication Strategy

Your community will want to know the answers to these questions:

1. How did we get here?
2. Why don't we have a contract yet?
3. Where are we in negotiations?
4. Where do we go from here?

The committee may use school committee meetings for negotiation updates to the public to answer these questions.



# Communications Strategy Caution

Check your facts

Remember that we need the support of the public and that when the negotiations are over, the employees and the Committee and administrators all have to work together

# Preparation

# Determine Funding Resources



- Determine funding resources.
  - Identify likely and possible reductions in anticipated revenues and increases in costs.
  - Determine if the funding is one-time or recurring
- **Calculate the cost of a zero (i.e., no change to the wage table)**

# Remember no increase to the salary table still has a cost!

For example, a teacher at Masters+45 Step 12 this year earns \$93,703. Next year, this teacher moves to Step 13 at \$97,451 in the same column/lane.

This is an increase of \$3,748 (4%) increase to the teacher even if there is no increase to the salary table.

Step	Bachelor	Masters	M+15	M+30	M+45	M+60 Doctorate
1	\$54,080	\$55,702	\$57,373	\$59,095	\$60,868	\$62,694
2	\$56,243	\$57,931	\$59,668	\$61,458	\$63,302	\$65,201
3	\$58,493	\$60,248	\$62,055	\$63,917	\$65,834	\$67,809
4	\$60,833	\$62,658	\$64,537	\$66,473	\$68,468	\$70,522
5	\$63,266	\$65,164	\$67,119	\$69,132	\$71,206	\$73,343
6	\$65,797	\$67,770	\$69,804	\$71,898	\$74,055	\$76,276
7	\$68,428	\$70,481	\$72,596	\$74,774	\$77,017	\$79,327
8	\$71,166	\$73,301	\$75,500	\$77,765	\$80,098	\$82,500
9	\$74,012	\$76,233	\$78,520	\$80,875	\$83,301	\$85,800
10	\$76,973	\$79,282	\$81,660	\$84,110	\$86,633	\$89,232
11	\$80,052	\$82,453	\$84,927	\$87,475	\$90,099	\$92,802
12	\$83,254	\$85,751	\$88,324	\$90,974	\$93,703	\$96,514
13	\$86,584	\$89,181	\$91,857	\$94,612	\$97,451	\$100,374

# Remember no increase on the salary table still has a cost!

For example, a teacher at Masters Step 3 this year earned \$60,248. This teacher now has 15 additional credits and moves to M+15 Step 4 next year at \$64,537.

This is an increase of \$4,289 (7%) increase to the teacher even if there is no increase to the salary table.

Step	Bachelor	Masters	M+15	M+30	M+45	M+60/ Doctorate
1	\$54,080	\$55,702	\$57,373	\$59,095	\$60,868	\$62,694
2	\$56,243	\$57,931	\$59,668	\$61,458	\$63,302	\$65,201
3	\$58,493	\$60,248	\$62,055	\$63,917	\$65,834	\$67,809
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13	\$86,584	\$89,181	\$91,857	\$94,612	\$97,451	\$100,374

# What is the Cost of a Zero?

*For example:*

4% for each employee advancing through the steps +

3% for each employee advancing a column/lane +

Longevity for employees entering the first Longevity gate +

Longevity for employees advancing to a higher longevity gate = **Cost of Zero**

# Know the Bargaining Unit

Create a Scattergram showing the number of FTEs in each position on the salary table.

# Scattergram Example

Step	Bachelor	Masters	M+15	M+30	M+45	M+60/Doctorate	TOTAL
1	0	0	0	0	0	0	0
2	0	1	0	1	0	0	2
3	0	0	0	2	0	0	2
4	0	5	1	3	0	0	9
5	0	0	1	6	0	0	7
6	0	0	5	2	0	0	7
7	0	5	0	0	0	0	5
8	0	0	5	0	0	10	15
9	0	0	3	10	0	0	13
10	0	0	0	12	15	0	27
11	0	3	0	3	20	21	47
12	0	1	5	5	5	9	25
13	10	66	65	234	40	30	445
TOTAL	10	81	85	278	80	70	604



# Longevity & the Seniority List

- The Scattergram shows placement on the salary table. Steps do not necessarily correspond to seniority which is years of service.
- New employees to the District may be placed on steps based on their experience prior to employment in the District.
- Look at the District's seniority list to determine longevity.
- For example:
  - Terry Teacher is on step 10 this year. Terry has only been in the District for 5 years but was placed on Step 5 when she started because she had 5 years of teaching experience in another public school District in Massachusetts. Terry must work for the District for another 5 years to be eligible for longevity (if longevity gate starts at 10 years)

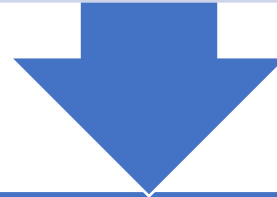
# Be Prepared to Calculate Costs

- Cost of step advancements, lane/column advancements, and longevity
- Cost out each proposal from the Union and the District
  - Wages, Stipends, Hourly rates, etc.
  - Fringe Benefits
  - Increased Leave
- If the proposal is to provide more preparation/collaboration time during the student day, calculate the cost of the additional educators needed to teach the students in order to provide for the additional prep/collaboration time during the day
- Be prepared to analyze the cost beyond the contract term

# Comparable Communities and Competitor Districts

Districts can identify comparable districts by reviewing:

Municipal population	Municipal tax base	District size (student population) and grades	Percent of residential, commercial, and industrial property supporting tax base	Median household income
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DESE DART, MASC, and Mass. DLS (Division of Local Services) websites have resources available.

## Competitor Districts

NOT NECESSARILY  
COMPARABLE DISTRICTS

THEY ARE NEIGHBORING  
DISTRICTS WHERE YOUR  
DISTRICT COMPETES FOR  
EMPLOYEES

# Collect Internal and External Data

- Salary/wage comparisons
- Number of days in the work year (each extra workday = 0.5%)
- Number of hours in the workday
- Number of steps and lanes
- Health insurance premium contribution rates
- Paid leave time and paid parental leave days

# Collecting External Data



Collective bargaining agreements are often available on school district websites



Organize the data to determine where your District falls compared to comparable districts



Organize the data to determine where your District falls compared to competitor districts



When reviewing external collective bargaining agreements look at total compensation (total number of workdays, work hours, health insurance premium contributions rates, paid leaves, etc.)

# Comparable Districts

## Comparison at MA Column

Districts	Number of Workdays	Top Step MA	MA Top Step Daily Rate	Ranking by Daily Rate at MA Top Step
Your District	182	\$91,181	\$500.99	3
Baldwin	184	\$93,500	\$508.15	2
Cortland	183	\$89,750	\$490.44	4
Empire	184	\$94,500	\$513.59	1
Fuji	181	\$84,500	\$466.85	6
Gala	183	\$88,200	\$481.97	5
<b>Average</b>	<b>183</b>	<b>\$90,272</b>	<b>\$491.84</b>	

# Comparable Districts

## Comparison at MA Column Top Step

Districts	Number of Workdays	Hours Per Work Day	Top Step MA	MA Top Step Daily Rate	Rank by Daily Rate	Hourly Rate	Rank by Hourly Rate
<b>Your District</b>	<b>182</b>	<b>6.75</b>	<b>\$91,181</b>	<b>\$500.99</b>	<b>3</b>	<b>\$74.22</b>	<b>1</b>
Baldwin	184	7.00	\$93,500	\$508.15	2	\$72.59	2
Cortland	183	7.00	\$89,750	\$490.44	4	\$70.06	6
Empire	184	7.20	\$94,500	\$513.59	1	\$71.33	5
Fuji	181	6.50	\$84,500	\$466.85	6	\$71.82	3
Gala	183	6.75	\$88,200	\$481.97	5	\$71.40	4
<b>Average</b>	<b>183</b>	<b>6.866</b>	<b>\$90,272</b>	<b>\$491.84</b>		<b>\$71.90</b>	



# A Note About the DESE Data on Average Teacher Salary



Average salary does not reflect the salary table for teachers; it reflects the District's scattergram –i.e., where teachers fall on the salary schedule.



A District will have a higher average teacher salary when most of their teachers are senior teachers at the highest step on the salary table.



A District will have a lower average teacher salary when most of their teachers are newer teachers in the steps but not at the highest step.

# Budget & Financial Information

## Be Prepared with Information

Budget	What is available? What are the limits? Communicate with your municipality's Finance Committee.
Cost of a zero	Cost of step and lane advancement and longevity with no change to salary table
Cost of 1%	Cost of a 1% increase
Number of employees	Number of employees at each step and lane on the salary table (scattergram)

# Be Prepared with Information



Municipality's or District's anticipated reductions in revenues:

Chapter 70 funds

Local Receipts

State aid to the municipality



Municipality's free cash and stabilization funds –

Be prepared to explain why these are not sources of revenue that can be depleted to support on-going obligations such as salary increases

# Responding to the Inflation Argument

# Historical National Inflation Rates

Year	Inflation Rate (%)
September 2009	-1.3%
September 2010	1.1%
September 2011	3.9%
September 2012	2.0%
September 2013	1.2%
September 2014	1.7%
September 2015	0.0%
September 2016	1.5%
September 2017	2.2%
September 2018	2.3%
September 2019	1.7%
September 2020	1.4%
September 2021	5.4%
September 2022	8.2%
September 2023	3.7%
September 2024	2.4%

# Current Rate of Inflation



Consumer Price Index (CPI) measures the change in prices paid by consumers for a wide range of commonly bought goods and services. It is a key measure of inflation.



Nationally, the inflation rate rose 2.4% over the 12-month period ending September 2024.



The inflation rate rose 3.4% over the past 12 months in the New England area for the period ending September 2024.

# Living Wage and Responding to the MIT Calculator



# MIT Calculator & Living Wage

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There has been an increased emphasis by Unions on ensuring that the lowest paid employees receive a “living wage”

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“Living wage” has also served as a political tool and rallying point for unions

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There are differing views on what a “living wage” is and how to calculate it

# Living Wage as a Union Goal in Collective Bargaining

Calculated at 5 geographic levels:

- Metropolitan, county, state, regional, and national levels

Adjusts the living wage according to twelve different family compositions

- Expenses and incomes vary depending on the number of children and the number of working adults in a family

# Problems with the MIT Living Wage Model as a Guide for Collective Bargaining

- Key assumption:
  - An adult works full-time which is considered 2,080 hours per year. (40 hours/week x 52 weeks/year= 2080 hours/year)
- Fluctuates dramatically based on family structure and geographic location.
- Many school employees work less than full-time
  - For example, a paraprofessional may work 6.5 hours/day for 182 days which is 1,183 hours per year or 57% of a full-time employee's work year.

$$\frac{1183}{2080} = \frac{N}{100} \quad N=56.875\%$$

# Current Union Proposals

# Union's Common Proposals

- Increase in Paid Leaves for all employees
  - Full Paid Parental Leave (without deductions from the employee's sick leave)
  - Paid Family Sick Leave
  - Increase in Sick Leave
  - Increase in Funeral Leave including all persons identified by the employee and loss of pregnancy at any point
  - Increase in Personal Leave
- Just Cause Protections earlier for non-DESE licensed personnel
- Duration
  - Moving all units to the same schedule

# Unit Specific Proposals

- Teacher Units
  - Wages
  - Adding new positions to the bargaining unit
- Paraprofessional/Educational Support Units
  - Wages
  - Paid holidays
  - Paid vacations
  - Paid lunch

# No Movement? Now What?

# Mediation and then Fact-Finding

- Obligation of both parties to bargain in good faith until resolution or impasse
- If no more movement is achievable – file for impasse (unilaterally or jointly)
- DLR will assign an investigator (if impasse is contested)
- DLR will assign a mediator (if impasse is not contested or after investigation)
- Parties will engage in mediation until resolution or the mediator is unable to get the parties to an agreement. All negotiations in mediation are off-the-record.
- When the mediator determines that no more movement is achievable, the mediator will recommend that the parties move to fact-finding.
- After a hearing, the fact-finder will issue a report about contested contract provisions. The parties will bargain about the fact-finder's report. This almost always results in an agreement
- If no agreement is reached, the Committee asks the DLR to permit it to implement its last best on-the-record offer.



# Satisfying Your Bargaining Obligations

- By Agreement *or*
- By Completing the Impasse Procedures:
  1. Mediation
  2. Fact Finding\*
  3. Bargaining over Fact-finder's Report for 10 days
  4. Implementation of the agreement reached or if no agreement is reached the Committee's last best on-the-record offer

*\*Note: Units represented by the MTA have avoided factfinding by engaging in strikes. Strikes by public employees in Mass. are illegal.*

# Mediation

- Watch out for the Union's proposal to use a private mediator
- Mediation is off-the-record; consider creative options:
  - One-time monetary payment in lieu of permanent increases
  - Evaluate the impacts of non-monetary benefits
  - Consider longer time-line (i.e. 1-year contract plus a 3-year contract if the contract has expired)

# Mediation

- Continue to bargain in good faith
- Remember - Mediation does not change the fiscal realities
  - Do not rush into an agreement that is beyond the District's financial capabilities.
  - If a COLA of 5%/5%/5% was not possible under the budget before mediation, it will not be possible after mediation has concluded.
- Make decisions with an understanding of the financial consequences of the proposals.
- **Always ask how the proposed change will impact the education of the students in your District.**

# Hypothetical Questions and Hypothetical Answers

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