

CLINTON TOWNSHIP BOARD OF EDUCATION

ADDENDUM TO NOTICE OF IMPASSE

The Clinton Township Board of Education (“Board”) submits this Addendum to its Notice of Impasse to emphasize the need for the Public Employee Relations Commission’s (“PERC”) intervention in these negotiations. The Board’s Notice of Impasse is in no manner a punitive act against the Clinton Township Education Association (“Association”), but, rather a plea to PERC for assistance in improving the relationship between the Board and the Association.

By way of background, when the Association’s leadership signaled its desire to commence negotiations with the Board in September of 2016, (after retracting their request to begin negotiations until retroactive pay was completed from the last negotiations session), the Board informed the Association that it would not be able to formally begin the negotiations process until after the new Board was seated. All retroactive pay was completed in late October 2016. At that point, the Board had not hired a representative for the upcoming negotiations because negotiations in Clinton Township historically begin in January after the new Board is seated, to ensure consistency throughout the negotiations process. However, to be responsive to the Association’s request, the Board hired a representative earlier than usual on October 24, 2016. On October 25th, 2016, the Board’s representative reached out to the NJEA UniServ Representative, Mr. Henry John Klein to explain the Board’s posture regarding negotiations. The Board explained its position to the Association leadership numerous times in October, 2016.

In an effort to begin work with the Association immediately and as a sign of good faith, however, on October 25, 2016, the Board e-mailed the Association’s leadership and offered to meet with them in a small-group session – perhaps the Association’s Co-Presidents, the Negotiations Chair, the NJEA representative, the Board President and the hired Board labor attorney. The purpose of the Board’s proposed meeting was to work on ground rules, decide upon how the negotiations process would work, and schedule -future negotiations dates.

Notwithstanding the Board’s intentions, however, the Association leadership failed to respond to the Board’s offer to meet until November 25, 2106 – four weeks after the Board’s

initial offer. The process to move negotiations forward was delayed. When the Association did respond on November 25, 2016, it informed the Board that it would only meet with its full complement of Association negotiations team members and, incredibly, threatened to file an Unfair Labor Practice Charge against the Board if the Board did not reciprocate in meeting with its full Board negotiations team. Again, the Board explained to the Association numerous times, it was not in a position to begin negotiations prior to the new Board being seated. The Association threatened the Board fully knowing that the Board would only be able to seat its full negotiations team after the new Board members were sworn in at the organizational meeting on January 4, 2017.

Moreover, the day after the Board negotiations representative was hired on October 24, 2016, he notified the NJEA UniServ Office in Flemington of his being retained by the Board. The Board's negotiations representative learned that the UniServ representative who was providing support to the Association leadership was leaving the Flemington office for another NJEA state office. The Board's representative repeatedly called and emailed the NJEA office in order to coordinate efforts, and ensure a smooth and productive negotiations process. On December 1, 2016, the Board representative transmitted a lengthy e-mail to an NJEA UniServ representative in Flemington, describing the challenges facing negotiations in Clinton Township. In spite of the Board's representative's efforts, calls were left unanswered, and emails received no response. The Association again delayed the negotiations process.

The Association requested information on healthcare, salary, and similar data, that the Board's legal representative provided to the Association on November 3, 2016, and then again to the second replacement Association representative, December 20, 2016, and for the third time to their third Uniserv representative on January 31, 2017. In a February 7, 2017 e-mail, the third Uniserv replacement told the Board's representative that he had what he needed at that time. Scattergrams were signed on March 8, 2017.

The Board understands why its representative's overtures to the NJEA Flemington office were not answered. The NJEA was in the midst of transition, with many other matters in need of attention. The current Uniserv representative assigned to the Association was not assigned until December 5, 2016. What the Board does not understand, however, is why the Association

leadership would refuse to acknowledge the Board's good faith efforts to ensure a positive bargaining climate by seeking close coordination with the NJEA UniServ Office.

The Board President and the Association's representatives met on December 8, 2016 and exchanged ground rules proposals. No agreement on ground rules was reached that evening, nor was the process identified for how negotiations would move forward.

The Board re-organized on January 4, 2017. The next day, on January 5, 2017, the Board, through its representative, transmitted a settlement offer that the Board hoped would positively transform the negotiations process with the Association. The Board did not hear from the Association leadership until a week later, at which time the Association representative and the Board representative brainstormed solutions to the negotiations proposal. The Board did not receive a counter to that proposal until February 15, 2017. Again, the Association unnecessarily delayed negotiations.

Unfortunately, at that same time, the Association/NJEA representative took ill in early January, and, very sadly, ultimately passed away. The Board patiently awaited the Association's new NJEA representative that was appointed at the end of January, -and authorized its labor attorney to work with him to ensure a smooth transition into negotiations.

With a history of acrimonious and lengthy negotiations with the Association, the Board on many occasions offered to engage the Association in a pre-negotiations process of establishing core values from which both parties could derive a healthier working relationship. Rather than accept the Board's offer, however, the Association filed an Unfair Labor Practice on April 26, 2017, alleging that the Board's efforts to change the climate and culture of negotiations and overall relations with the Association were interfering with the negotiations process. Again, the Board's intent was to improve the relationship so that negotiations could be more positive and productive. The Association offered on several occasions to have a -meeting of as little as 30 minutes in duration -to "clear the air" so that both parties could begin to negotiate. The Board knew, however, that a short meeting as suggested by the Association was not going to resolve a long-standing issue with both parties' ability to work together. The Board was seeking a meeting of sufficient duration to address the important relational issues with the Association.

The hearing to attempt to settle the Unfair Labor Practice charge was set for July 19, 2017 which was postponed at the request of the Association. Therefore, unfortunately, through

the summer of 2017, and until September of 2017, the Board and the Association awaited resolution of the Unfair Labor Practice charge, rather than collaborate to improve their relationships and make progress in negotiations. This cancellation delayed the negotiations process further.

The parties were able to settle the Unfair Labor Practice allegations on September 18, 2017, by agreeing to have preliminary, “core values” meetings, and also scheduling negotiations sessions. The settlement included an agreement that the Board was not guilty of the charges assessed in the Associations legal filings. The core values meetings appeared to be very successful, and resulted in the following tenets from which the parties would abide, both in negotiations and in day-to-day interactions:

1. Active / Empathic Listening
 - Creating a safe environment conducive to collaborative problem-solving
2. Appreciate each other’s perspectives
 - Walking in another’s shoes
 - Being empathetic
 - Reflective
 - Situational Awareness: Show that You Get “It.”
 - Personal Awareness: You Get “Them.”
 - Solution Awareness: You Get Their Path to Progress.
3. Commitment
 - Both parties making all efforts to keep meeting dates, deadlines, etc.
 - Staying committed to the process
4. Honesty
 - Telling full truths
 - Full disclosure

- Honest with all parties involved (CTEA members, public, and BOE members)

5. Integrity

- Related to honesty
- Deals more with actions vs. words
- Don't say one thing, and then do something different

6. Joint Statements

- "Preamble" from developed statement - emphasize "What" and "Why"
- Summary of accomplishments
- Actions from meeting
- Future Goals = Dates / Agenda
- End on positive note – collaborative and cooperative

7. Respect

- The way we speak to people using tone, words and body language
- Accepting others rights, needs and differences as okay and legitimate
- Attentive listening when other are speaking
- Avoiding gossiping or putting others down
- Showing interest in others about how they feel and what they think
- Keep agreements with others or living as your word
- Being sensitive to thoughts and feelings of others
- Working constructively to resolve problems and differences
- Listening to and accepting feedback
- Making changes to our behavior if we fail to respect others
- In addition to bulleted points (above):
 - Accepting and understanding others' points of view
 - Open-mindedness

- Respecting and supporting final decisions of group through actions, words, and deeds
- Both individually and as a group(s) = Respectful actions: R-E-S-P-E-C-T
- Arriving on time
 - Active engagement/ participation
 - Representing to constituency

8. Seeking to build trust

- Correlation between trust and respect
- Earned through actions, as well as through words
- Communication is key to developing and maintaining trust
- Belief that both sides have good intentions

9. Time

- Factor for moving forward and assists in managing timelines
- Sharing timelines
- Respecting one another's time
- Moves quickly, needs to be respected, and things change through time
- Despite time moving and being difficult, we need to be cognizant to "stay the course"

10. Working collaboratively

- Give and take toward a common goal, respecting different perspectives
- Requires leadership to guide each member's unique perspectives

The Board was confident that by engaging the Association in the core values process, and by mutually agreeing upon principles for working together, the parties could look forward to productive, collaborative negotiations. Pursuant to the settlement agreement, the Association

owes two more -hours of core values discussions, but the Association refuses to do so, which is a violation of the PERC settlement agreement.

Sadly, the Association has dashed the Board's hopes and expectations that the climate and culture for bargaining would change. The first negotiations session in November 2017, following the parties' agreement in on core values was a relatively positive one. Subsequent meetings however, were so acrimonious that the parties agreed that the best method to bargain would be to authorize the respective representatives to meet alone and then report back to their respective teams. This process has, unfortunately, failed to move the parties forward, and negotiations has stalled.

The Association's conduct during public Board of Education meetings and on social media since September 2017, has been negative, aggressive, and in violation of the parties' agreed-upon negotiations ground rules regarding confidentiality of the negotiations process. No progress has been made in negotiations, and both parties are at a stalemate on the same six negotiation points with no positive movement or sign that the Association is willing to give and take. No change is evident in the relationship between the Association and the Board and the Board fears that the longer negotiations remains stalled, irreparable damage will be done to the relationship between the two parties.

The two parties have met seven times since December 8, 2016. The Association has cancelled two meetings and the Board has cancelled two meetings. The Board offered to meet to negotiate with the Association on Saturday, October 28, -2017 at 8:30 a.m. The members of the Association's negotiations team did not arrive until 10 a.m. that day and failed to notify the Board that they would be late.

In requesting PERC's assistance by filing this Notice of Impasse, the Board seeks more than the appointment of a mediator. The Board continues to believe that by changing the current climate and culture of the relationship with the Association, it can solve complicated problems facing both parties in negotiations; and, ultimately, provide a better learning environment for the District's children.

The Board files this Notice of Impasse with sadness and frustration by the failure of the Association to positively engage with the Board in a meaningful and productive negotiation, but also with determination to do right by the children of the District by improving upon the

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relationship between the Board and the Association. Pursuing this negotiation without the expertise of a mediator is not in the best interest of the future of the District, the community and most importantly the children of Clinton Township

Thank you for your consideration.