

4. What are the stages of negotiations?

Step 1 - Negotiations Initiated - Either a representative from the Board or the union contacts the other party and shares interest in beginning the negotiations process.

- This process typically begins in January prior to the expiration of the contract.
 - For example, if the contract is due to expire on June 30, 2017, then both parties will begin negotiating in January of 2017.

Step 2 - Initial Meeting - During the initial meeting, both parties meet face-to-face and try to establish and agree on a set of “ground rules” of how negotiations will operate. Ground Rule examples:

- what time meetings will start and take place
- if the progress and events surrounding negotiations will remain confidential and out of the public and media
- how the two parties will communicate between one another
- process of reviewing the current contract for potential changes and how to discuss healthcare benefits and increases in salary

Step 3 - Exchange of Proposals – Both parties may agree to exchange proposals relative to contract language, benefits, and percentage increases either through their respective representatives, during the initial meeting, or through e-mail.

Step 4 – Good Faith Negotiations - Representatives from both the Board and the union conduct face-to-face meetings to negotiate a contract that is mutually beneficial for both parties. At times, the representative from both the Board and the union meet without the full negotiations teams and conduct negotiation sessions on behalf of their parties.

NOTE: If the Board and the union agree on terms for a contract, they then sign a Memorandum of Agreement (MOA).

- **Memorandum of Agreement (MOA)**
The MOA lists all of the pertinent changes that have been agreed to in the contract. Once the MOA is signed, the Board and the union takes the agreement back to their members, explain it in detail, and then vote to either ratify or reject it.

If both parties agree to the terms in the MOA, then the negotiation is over. However, if either of the parties or both parties reject the MOA, then the Board and union go back to the negotiations table to develop another agreement that will be mutually beneficial to both parties.

Step 5 – Impasse - This is the next step if “Good Faith” negotiations fails, and **if at any point the Board, union or both parties** involved in negotiations, feel as if the process has stalled and cannot be moved forward, they will file for **impasse** with the Public Employees Relations Commission (PERC).

- Both parties must agree that they are at impasse.
- PERC will assign a third party neutral person, known as a mediator, who will try to help both parties reach an agreement.
 - A mediator does not have any authority or power to make any recommendations or decisions that are binding. In other words, the mediator cannot force terms of a settlement on either party.
 - When the mediator cannot successfully bring both parties to an agreement, the mediator will recommend that both parties take the next step called, fact finding.

Step 6 - Fact Finding – It is a formal process that is implemented when both parties cannot reach a settlement after time spent with a mediator.

- Both parties present oral and written evidence that support their negotiation position and requests. The factfinder reviews the dispute, asks questions and then provides a written recommendation to help resolve the continuing impasse. This report must be made public within ten days of its release. The recommendation of the factfinder is not binding for either party.
- Both the Board and union are permitted to accept or reject the factfinder’s recommendations.
- If the recommendation is accepted by both negotiations teams, an MOA is written and it is then voted on by the full board of education and members of the union’s association.
 - If the recommendation is rejected, or if the parties cannot reach an agreement within 20 days after the issuance of the fact finders report, then the next step to help both parties reach an agreement is called, **super conciliation**.

Step 7 - Super Conciliation – This is the final procedure that is invoked after mediation and fact finding fails to bring both parties to an agreement. During super conciliation, a super conciliator (mediator) attempts to bring both parties to a mutually beneficial agreement.

- This process, like mediation and fact finding, are not binding. However, the hope is that the super conciliator can narrow the differences between both parties so that an agreement can be reached.
- If both parties come to an agreement, then they will create an MOA and bring that document to their respective parties for approval.
 - If either or both members of the respective parties reject the MOA, then negotiations continue, until a mutually beneficial agreement can be ratified.