



Woodland Joint Unified School District **NEGOTIATION FAQs** *Facts & answers to questions about labor negotiations*

August 12, 2019

Committed to keeping you informed —

The Board of Trustees and district administration believe all stakeholders in the education community should have access to accurate, timely, and complete information. A lot is at stake in these negotiations that will affect students, employees, parents, and our community. This publication provides facts and answers to frequently asked questions about the collective bargaining process, issues being discussed in negotiations, and District finances. Interested parties can obtain additional information by accessing the district's web site at www.wjusd.org.

This edition of *Negotiation FAQs* deals with —

The PERB Fact Finding Process

Q: Is the district still at impasse under state collective bargaining law?

A: Yes. On August 12 the district bargaining team formally notified WEA of their request to submit the matter to a fact finding panel.

Our District is currently at impasse in negotiations with the Woodland Education Association (WEA). The bargaining teams for the District and WEA have been in negotiations since May 2018 in efforts to reach an agreement for the 2018-2019 contract year and beyond. Between May 31, 2018 and January 15, 2019, there were six negotiating sessions. In January of this year the parties jointly declared impasse and began meeting with a neutral mediator to reach agreement. While there was some movement during mediation, the Mediator concluded that further talks might not be productive and released the parties to move forward with the final stage of the state's dispute resolution process ...fact finding. The District has now formally notified WEA of their request to begin the fact finding process.

Q: In mediation, did the district attempt to compromise from its earlier position?

A: Yes, the district offered several alternatives from its initial position.

The role of the mediator was to see if he could identify where the parties might be willing to compromise in their positions. The neutral met with the parties on 2 separate dates shuttling back and forth between their separate caucus meetings to float ideas and counteroffers. There were several options floated by management for discussion during those sessions that were different from the last offer made prior to impasse. The mediator also offered his own suggestions for a settlement. This was all done in closed sessions not open to the general public or rank and file employees. The mediator asked the parties not discuss those publicly.

Q: How does fact-finding work?

A: An impartial three-person fact finding panel will review the arguments and proposals from both sides and issue a set of non-binding recommendations for a settlement.

Management and the union each appoint one member to the fact-finding panel. Then they mutually agree on a neutral, independent fact finding panel chairperson from a list of qualified labor relations professionals supplied by the state. The fact finding hearing usually takes about a month to schedule. The hearing is not open to the public.

Q: What is involved in the fact-finding hearing?

A: The panel schedules and holds private hearings where both sides present their last, best offers.

The District and the union prepare extensive binders with comparative data and arguments defending their positions. The panel members meet in private to evaluate the positions and the data. Within 30 days they are required to issue a report that contains findings of fact and non-binding recommendations. Before the report is made public, the parties have one more chance to meet in closed session to reach a tentative agreement. If they do not, then the executive board of the union and the Board of Trustees vote to accept or reject the fact finder's report. By statute, this process can take no longer than ten days from the time the report is made public.

Q: Is the fact finder's recommendation binding on the parties?

A: The fact finder's report is advisory only.

Fact-finding is not like arbitration where an administrative law judge decides between competing proposals presented by either side in a dispute. Arbitration is a winner-take-all situation. In fact finding, the panel chairperson can make suggestions that are compromises. However, the fact finder cannot introduce issues that have not already been submitted in the last best offers by the parties.

Q: Can negotiations continue while fact-finding is underway?

A: Possibly.

The fact-finding process usually involves a series of back and forth discussions or mediation sessions involving the fact finding panel chair and both bargaining teams either before or after the formal hearing is completed. In some cases, once the parties have heard all of the facts and have some indication of the fact finders' positions, a settlement agreement can be reached and the process ends. In other cases, the parties cannot agree that day, but agree to resume mediation while the fact finder's report is pending. Sometimes a settlement agreement can be reached prior to the report being issued. The state collective bargaining law requires that once the fact finding report is issued, the parties must meet at least one more time to see if the provisions of the neutral's report can form an acceptable basis for a negotiated settlement.

Q: If fact finding fails to produce an agreement is a teacher strike imminent?

A: Talk of a teacher strike occurring is premature.

Strikes are legal in California, but they cannot occur until all steps in the impasse process have been exhausted. At this point, it would be illegal for the union to engage in any concerted work stoppage prior to the fact finders final report being made public. Typically, union leaders take a strike authorization vote to show solidarity and put pressure on management to settle the dispute. It also enables the union leaders to declare a strike without going back to the teachers for approval later on.

This process does not allow members to vote whether they want to accept the district's last best offer or go on strike.

Q: Can the district just impose its last, best and final offer if fact finding doesn't work?

A: Yes. The last, best and final offer is the only unilateral action that the district can impose if a negotiated agreement cannot be reached.

The district's last offer was a total compensation package of 3.25% over 2 years. The offer included a nearly 50% increase to the District's current monthly contribution to health and welfare benefits.

Q: Are teachers currently working without a contract?

A: No, the current teacher contract is still in place.

The current term of the WEA contract ended on June 30, 2019. The contract remains in effect until a successor agreement is negotiated. Last year's teacher salaries and benefits continue as is until a new agreement on total compensation is reached. The district has implemented the usual automatic step and column pay increases for longevity and continuing education credits for all employees moving up the salary schedule.