

Teacher Negotiations Meeting

Minutes

Wednesday, February 24; 4:00 p.m.
Central Office Board Room

Negotiators Present:

Representing School Board: Board President Sarah Ricks, Board Vice President Kris Fehr, and Superintendent Douglas Sullivan.

Representing Dickinson Education Association (DEA): Mr. James Fahy, Mr. Lyle Smith, Mrs. Sarah Berglund, and Mr. Jay Schobinger.

Others: Judith Dalton, Kelcey Evers, Amanda Fisher, Crystal Hoerner, Christa Enebo, Dana Price, Clarence Hauck, Shary Smith, Jim Steckler, Trista Fisher, Jolene Gress, Jane Cornell, Cherie Mack, Tracy Sipma, Fern Pokorny, Barb Binstock, CaraLee Heiser, Angela Ernst, JoAnn Coates, Barb Bonicelli, Brenda Loney, Heidi DesRosier, Megan Morey, Leslie Wilkie, Dawn Sipma, Donna Abrahamson, Darlene Henning, Sandra Hood, Anne-Marie Christensen, Elizabeth Heidt, Julie Maes, and Twila Petersen.

Call to Order – Chair Kris Fehr called the meeting to order at 4:00 p.m.

Introduction of Teams – Team members went around the table and introduced themselves and Chair Fehr welcomed the new negotiators.

Review and Approval of the October 14, 2015, Meeting Minutes – The October 14 meeting minutes were distributed last fall via email with a deadline for revisions. No revisions had been received. Mrs. Fehr and Mr. Fahy signed and dated the October 14 meeting minutes.

Review and Establish Ground Rules – Chair Fehr noted it took two meetings to establish the ground rules during last year's negotiations. Mrs. Fehr took the ground rules from 2015 and used it as a platform and made some adjustments to create proposed 2016 ground rules. She distributed copies of the 2016 proposed ground rules to the team members and noted they were emailed yesterday afternoon. Mr. Fahy also had emailed the DEA's proposed ground rules yesterday afternoon. Chair Fehr asked Mr. Fahy for his input on the Board's proposed ground rules. Mr. Smith responded he thought they took them out because the DEA had its version. Mr. Smith distributed copies of the DEA's proposed ground rules. Chair Fehr asked Mr. Fahy for a suggestion on how to proceed. Mr. Fahy responded that the ground rules used last year were based upon trust issues which are now overcome. The DEA proposed ground rules are almost identical to what is currently used for administrative negotiations. Mr. Smith noted he attended the administrative negotiations last year and he noticed the ground rules were clean and were not a hindrance. He doesn't believe the ground rules should be cause for delay and he personally feels the administrative negotiations ground rules demand professionalism at the table and he felt the Board proposed ground rules assume a lack of professionalism. Mrs. Fehr responded that these negotiations are with teachers and not with administrators and wanted to address the concerns that have been at the table before. She suggested going line by line with one of the two proposed ground rules if that is what the DEA negotiators would like to do. She noted the DEA has not proposed ground rules in past negotiations. She again asked how the DEA negotiators would like to proceed. Do they wish to go item by item through either ground rules? Mrs. Fehr noted the team just finished negotiations. Mr. Fahy noted that some of the things that they demanded be removed have been put back in. Mrs. Fehr said those are some things to discuss. Mr. Fahy noted the DEA proposal is ½ page and the Board's proposed ground rules is longer and is redundant and references law. He gave some examples of some things in the Board proposed ground rules that he felt were not necessary. He explained the DEA proposed ground rules are simple and easy and very effective. Mr. Smith inquired why the DEA negotiations and the administrator negotiations have vastly different rules when they work for the same company and inquired why there are different rules. Mrs. Fehr responded that administrators and teachers are two different groups and she doesn't compare them at all and does not compare the ground rules for either one. In her history of administrative negotiations the meetings were wrapped up in one or

two sessions. She also noted that the administrators are not a union; they form an informal group to negotiate. Dr. Sullivan inquired if the DEA was willing to negotiate a two year agreement similar to what the administrators negotiate. Mr. Smith responded they did not wish to negotiate for a two year agreement. Dr. Sullivan felt the two different entities approach negotiations differently. It is implied that the Board needs to have the same rules for all of its negotiations and the administrators have openly been willing to negotiate a two year agreement. Mr. Fahy did note there was a two year agreement on the table last year and the school board removed it because the numbers were uncertain. There was additional discussion regarding the one year and two year contract. Mrs. Ricks asked if there was a problem with the ground rules from last year and asked if those could be reviewed and revised. Mr. Fahy responded the ground rules from last year were agreed upon only one time. He suggested going back to collaborative bargaining when the attitudes were used. Chair Fehr inquired if maybe there should be a discussion regarding collaborative bargaining. Both Mr. Fahy and Mrs. Fehr agreed the last negotiating session was more towards collaborative bargaining. He suggested not placing timelines as it sets the team up for failure. Mrs. Fehr referenced collaborative bargaining and asked if DEA team members had attended collaborative bargaining training. Only Mrs. Fehr has completed the collaborative bargaining training and Mr. Fahy has completed part of that training. Mrs. Fehr felt this team has had a mixture of different types of bargaining. She felt Mr. Fahy was correct; if the team can work together it seems to work well. Chair Fehr asked if the DEA negotiators objected to going through the Board's proposed ground rules. Mr. Fahy said he was getting the impression the DEA ground rules were "not on the playing field." Mrs. Fehr responded that she felt the spirit of what the DEA intended are addressed in the Board's proposed ground rules. Mr. Smith said when he looks at the DEA ground rules he felt they were professional and demanded professionalism. Mr. Fahy referenced the ground rules used since 2013. Mr. Smith inquired if there were any ground rules in the Board's proposal that the Board was not willing to remove. Mrs. Fehr responded inquiring if there were any that were too objectionable for the DEA negotiators. Mr. Smith said that he had lines drawn through a lot of the Board's proposed ground rules. Mrs. Fehr noted there are some similarities to the two proposals. She would like to see some timelines in the ground rules and used an example of no new topics introduced after a date and referenced a previous negotiations session when a topic needed to be discussed after the deadline. Both sides talked about it and allowed the topic to be introduced after the timeline had passed. Mr. Fahy said that particular situation would be covered under the DEA's ground rule #4. Mrs. Fehr said it was similar to the Board's ground rule #11. Mr. Fahy added that the Board's ground rule allows two meetings to prioritize topics. The DEA's ground rules do not address prioritization. Mr. Smith noted the Board's ground rules state "proposals" under #11 and wanted to clarify that it was actually topics and not proposals. Mrs. Fehr felt the words were interchangeable and concurred that #11 may state "topics" and not "proposals." Mrs. Fehr said it seemed the team was doing what it did last time where they went through each item in the ground rules and discussed. Mr. Fahy was willing to go through point by point on the Board's proposed ground rules and requested to go through point by point on the DEA proposal also. Mrs. Fehr suggested comparing the points that were similar.

#1 (Board) Composition of Negotiations Teams compares to DEA #1. Mr. Smith inquired regarding the inclusion of "and other representatives as it deems appropriate". Mrs. Fehr used Dr. Sullivan as an example since there cannot be more than two Board members at the table. Mr. Fahy referenced the language regarding "The board negotiations team can make tentative agreements only" and the sentence regarding the NDCC and felt they were not necessary since it is a common understanding and covered by law. Board negotiators agreed to remove the language in the last two sentences of Board proposed ground rule #1. Mrs. Fehr noted the inclusion of the NDCC language was based on input from a recent negotiations training. Mrs. Fehr said that it has been past practice to put "tentative" on agreements that are signed. Mrs. Fehr inquired if there were any other changes to the Board's proposed ground rule #1. Mr. Fahy referenced resource people and inquired if there could be resource people at any point in time; that there is not an established number of meetings. Mrs. Fehr responded that there was no timeline on resource people and provided an example when Mrs. Pokorny gathered information for both parties. Mr. Fahy said that the DEA negotiators are all equal; there is not a lead negotiator. He proposed adding "all being equal in the process" after the sentence "The teachers' representatives will consist of five or fewer DEA members." Mrs. Fehr and Mrs. Ricks accepted this language revision. Mrs. Fehr suggested designating an individual to sign for the DEA, especially as the team reaches a tentative agreement. Mr. Fahy said it would be one of them, probably himself that would sign off. Chair Fehr inquired if there were any other recommended changes to #1. There were no additional changes noted to ground rule #1. By consensus, Board and DEA proposed ground rule #1 would be revised as follows.

1. **Composition of Negotiations Teams:** The board negotiations team will be composed of less than a quorum of school board and other representatives as it deems appropriate. The teachers' representatives will consist of five or fewer DEA members, ~~all being equal in the process.~~ Each Team can determine how many resource people they would like to use, but resource people are not members of either Team. Assistant Superintendent Reep shall serve as a resource person for both teams. ~~The board negotiations team can make tentative agreements only. In compliance with NDCC 15.1-09-29, tentative agreements between the board negotiations team and teachers' representatives require at least a majority vote of the school board for ratification.~~

#2 (Board) Meeting Dates, Notices and Location compares to DEA #5. Mr. Fahy noted the DEA's proposal indicates two hours for a meeting and the Board's proposal indicates 90 minutes. He added there would be morning meetings that would limit getting back in time for school. Mr. Smith noted that the DEA's #3 addressed the last part of the Board's #2 regarding the target date for completion. Mr. Smith agreed with Mr. Fahy that the DEA wants to finish up quickly. Mr. Smith felt that it was stating the obvious. Mrs. Ricks inquired if it was helpful to have a target date so that when scheduling meetings the team would be more conscientious and schedule meetings more often when the team was trying to finish by a certain time. She concurred that if both parties agreed upon an extension it would not force it into an impasse situation. For her it would be helpful to have a goal. Mr. Fahy responded the ground rules for 2015 stated "meetings will be scheduled at reasonable times upon the request of either party, allowing for some flexibility with schedules. In the event two or more members from one team cannot attend a regularly scheduled meeting, the meeting shall be either canceled or rescheduled to a time agreeable to both parties. Meetings will be scheduled for 1.5 hours trying to avoid conflicts for team members unless both parties agree to go beyond 1.5 hour time limit." Mr. Fahy said that was simple and easy and now there is additional language regarding days and first negotiations meeting in 30 days. Mr. Smith added that was the law. Mrs. Fehr noted that the last item in those ground rules specified a target date for completing negotiations. The Board negotiators were in agreement to eliminating some of the wording. Mr. Fahy noted that it was the law regarding the posting of the notice of the negotiation meeting. Mr. Fahy said that the meeting has always been in the Board room unless there is a larger venue. He felt there was a lot of redundancy. Mr. Smith noted last year at one meeting there was an anticipated larger group and said that there were accommodations made in the Board room for the whole group even though it wasn't in the ground rules. Mrs. Fehr requested a timeframe for response if one party decides to schedule a meeting. Mr. Fahy felt that it could be avoided by having all correspondence sent to all team members, rather than sending a document just to one DEA negotiator as was the DEA's request last time. By consensus, Board proposed ground rule #2/DEA proposed ground rule #5 was revised to read as follows.

2. **Meeting Dates, Notices and Location:** Meetings must be scheduled at reasonable times upon the request of either party ~~allowing for some flexibility of schedules. not to exceed [redacted] days after the request is made unless both the board and teachers' negotiators mutually agree to extend the deadline, allowing for some flexibility with schedules. The first negotiations meeting will be held within 30 days of the board approving the representative organization unless otherwise agreed to by the board and the representative organization.~~

~~The board negotiations team or its designee shall post notice of the negotiations meetings in accordance with law. If a majority of either the board negotiations team or the teachers' representatives is unable to attend a scheduled meeting, the meeting must be either canceled or rescheduled to a time agreeable to both parties.~~

Meetings will be held at the Central Administration Office board room unless a larger venue is needed to accommodate the audience, in which case the meeting will be moved to a larger area. The board negotiations team or its designee will post signs to inform the public of this change.

Meetings will be scheduled for 90 minutes, unless both parties agree to go beyond this time limit.

~~A target date for completing negotiations will be set no later than the first meeting following the establishment of ground rules. Negotiations will not extend beyond this date unless the board and teachers agree to an extension.~~

#3 Board proposed ground rule compares to DEA #6 proposed ground rule – There was lengthy discussion regarding Board proposed ground rule #3/DEA proposed ground rule #6 regarding financial information. Mrs. Fehr inquired regarding the reasoning behind DEA proposed ground rule #6. Mr. Smith responded that if the team is not working with a finite pool of funds that would mean that they are working with an infinite pool of funds. Mrs. Fehr commented that the school district does not have infinite funds. Mr. Smith said it is his understanding that it is the negotiating team's job to negotiate salaries and it is the Budget Committee's job to work with the budget. Mrs. Fehr explained the reason for not wishing to state that salaries would not decrease. She gave an example that there could be something brought to the table where there is a tradeoff. It is not the Board's intention for anyone to go backwards and the Board does not wish to change the salary schedule. Mrs. Fehr suggested using the same approach as last year. Everyone knew the salary schedule they were working with and knew how much new money was available. Mr. Fahy said that overall he thought that worked well last year until a time came when part of the money was taken away because the District had to fund something, such as a bus. Then the established amount of money was no longer available. Mr. Fahy referenced the DEA's proposed ground rule #6 (taken from the administrative negotiations ground rules); no salaries would decrease and the Board was not operating with an established pool of funds. He understood there were a lot more teachers than administrators. Mrs. Fehr responded that it is important for both negotiating teams to understand the baseline data and revenue estimates, and that they all agree with the figures so there are no surprises later on. If it is done towards the beginning of negotiations it could be brought back for discussion as an agenda topic at the next meeting or a future meeting. Mrs. Fehr inquired if the DEA negotiators wished to talk about what happened last time and additional information why things happened. She added that the school district is working with the second year of a biennium and they all know how much money is coming in generally, depending on the enrollment. To avoid misinformation, hurt feelings, and rumors, Mrs. Fehr proposed all team members would have a financial lesson at the meeting following the establishment of the ground rules. Questions could be and should be asked during the financial lesson. Mrs. Fehr explained the reasoning behind the DEA's proposed ground rule #6 that was taken from the administrative negotiations. At that time during the administrative negotiations the Board and Administrators were talking about changing or revising the administrative salary schedule. It was agreed that no administrator's salary would be reduced if the schedule was changed. This opened up the dialogue so that the administrative negotiations could move forward. Mr. Fahy reiterated that he did not want numbers provided to the DEA negotiators and then later on changed. Mrs. Fehr noted that negotiations started late last year. Mr. Fahy said they started in July. Mrs. Fehr explained that money was already being budgeted out of the new money that the district would receive.

Mr. Schobinger felt the proposed language from the Board put restraints on the financial information by requiring approval of the financial information at the meeting when it was presented. The Board representatives relayed that it was not their intent to have the financial information agreed upon at the meeting it is presented. All team members spent a great deal of time finding language that would accommodate the true spirit of the meaning of this ground rule. Consensus was to revise Board proposed ground rule #3/DEA proposed ground rule #6 as follows.

3. **Financial information.** The teams will use the same baseline data and revenue estimates, which will be provided and discussed at the first negotiations meeting following the establishment of ground rules. It is understood that the teams will agree on the financial information at a subsequent meeting. The agreed-upon financial information will be available at each meeting.

Consensus was that Board proposed ground rule #4-Handouts, would remain as presented.

Consensus was that Board proposed ground rule #5-Meeting Facilitator/Chairperson, would remain as presented.

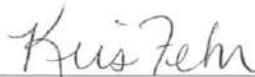
Debrief – Chair Fehr summarized the meeting. All team members introduced themselves and new team members were welcomed. The October 14, 2015, Negotiations Meeting minutes were approved and signed by Mrs. Fehr and Mr. Fahy. There were two sets of ground rules distributed at the meeting. One set was presented by Board representatives and another set of ground rules was presented by the DEA representatives.

Next Meeting Date and Time – By consensus, the next meeting was scheduled for Tuesday, March 1 at 4:30 p.m. and will be held at the Central Administration Office in the Board room. The first item on the agenda will be to review and approve the February 24 meeting minutes, and then continue with reviewing and establishing the ground rules.

Adjournment – The meeting adjourned at 5:30 p.m.

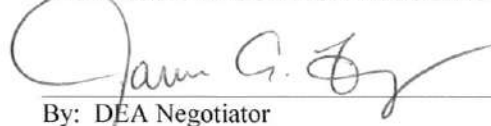
Dated this 1st day of March, 2016.

DICKINSON PUBLIC SCHOOLS



By: Board Negotiator

DICKINSON EDUCATION ASSOCIATION



By: DEA Negotiator

