



Collective Bargaining Work Session

May 25, 2023





Agenda

- What is Collective Bargaining
- Virginia Law
- Where are We Now
- Next Steps
- Developing the ACPS Collective Bargaining Resolution (“CBR”)
- Features of a CBR



What is Collective Bargaining?

Collective Bargaining is *“the continuous relationship between an employer and a designated labor organization representing a specific unit of employees for the purpose of negotiating written terms of employment.”*

Labor Relations and Collective Bargaining: Private and Public Sectors (10th Edition) Carell & Heavrin, (2013) at 5.



Virginia Law: Permits Collective Bargaining

Effective May 1, 2020, **Section 40.1-57.2 of the Virginia Code** was amended to permit school boards, for the first time in the history of the Commonwealth, to, by resolution:

- legally recognize and bargain with a labor union or other employee association as the exclusive bargaining agent of their employees; and
- to collectively bargain and enter into a collective bargaining agreement *“with respect to any matter relating to them or their employment or service.”*



Virginia Law: Timing for Adopting a Collective Bargaining Resolution

The law permits unions or associations to force a school board to vote within 120 days of receiving a certification from a majority of employees in a appropriate bargaining unit *“to adopt or not adopt an ordinance or resolution to provide for collective bargaining by such public employees and any other public employees deemed appropriate by the governing body.”*

The law, however, does not require a school board to recognize any bargaining agent or permit collective bargaining at all.



Where are we now?

- ACPS Board adopted *“Resolution Concerning Collective Bargaining”* on December 2, 2021
- The Resolution stated the intent to “begin the process of researching” to “in the future, adopt a collective bargaining resolution” (“CBR”)
- Staff have expressed interest that the Board explore a CBR



Next Steps

- Review formal certification that a majority of ACPS employees request adoption of a CBR
- Conduct training for School Board on Virginia law and features of a CBR
- Assign roles and responsibilities within ACPS for developing the CBR



Developing a Collective Bargaining Resolution

- Identify interested parties and stakeholders
- Establish work groups to guide drafting process
- Set calendar and leadership roles of work groups
- Assign responsibilities within ACPS for drafting and review of CBR
- Present draft for public comment
- Vote to Approve CBR by Board



Features of a Collective Bargaining Resolution

- Required by Virginia law: Procedures that address:
 - certification and decertification of exclusive bargaining representatives;
 - reasonable public notice and opportunity for labor organizations to intervene in the process
- Prohibited under Virginia law:
 - any provision that restricts the Board's "authority to establish the budget or appropriate funds."
 - provisions permitting strikes



Features of a Collective Bargaining Resolution (cont.)

- Process for certification of the exclusive representative
- Bargaining units
- ACPS rights and authorities
- Rights of the exclusive representative
- Scope of bargaining
- Impasse resolution procedures
- Approval of tentative agreement
- Mediation and arbitration
- Prohibited practices



Questions?



Interim Superintendent

Dr. Melanie Kay-Wyatt

School Board

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Jacinta Greene, Vice Chair

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