

# **407.07 Certificated Employee Negotiations**

Friday, August 11, 2023

## **CERTIFICATED EMPLOYEE NEGOTIATIONS**

Certificated employees of the district shall have the right to form, join and participate in the activities of organizations of their choosing for the purpose of representation of all matters of employment relations, but no certificated employee shall be compelled to join such an organization.

The board of education will annually, unless otherwise mutually agreed upon, negotiate a collective bargaining agreement with the local teacher employee association or its legitimate successor, that is established in accordance with the Nebraska public employee bargaining statutes. The board of education will meet with representatives of the local collective bargaining unit at a time mutually agreeable to board and unit members. Items generally covered in the negotiated agreement will include salary and benefits, insurance coverage, or other items deemed by statutes to be mandatory subjects for bargaining. A copy of the most current negotiated agreement will be kept in the office of the superintendent of schools.

Agreements between the board of education and teacher employee association shall be printed at the expense of the board of education.

The local association or any legitimate successor may, with prior approval of the school principal or his/her designee, have access to the use of school facilities and equipment, including typewriters, mimeographing machines, or other duplication equipment, calculating machines, all types of audio-visual equipment at reasonable times when such equipment is not otherwise in use. The association will pay for any supplies used, damage incurred, and any loss or theft of borrowed property. No equipment shall be removed from school property without approval by the school principal. Association meetings and use of school equipment for association purposes shall not take place during the normal school work day. Permission to use the school district equipment or facilities shall not be withheld unreasonably.

The association may post notices of meetings and other information on bulletin boards designated by, and with the approval of the school principal. The local teacher employee association may use local building mail boxes for delivery of information.

Certified employees are to use professional or personal leave time to attend area, state, or national education association conventions or meetings unless directed by the board of education

to attend educational growth meetings which directly relate to their teaching assignment. State education association conventions will not be considered as part of school district's contract days.

The following timelines shall be in effect for the annual negotiations process preceding the contract year in question:

1. On or before September 1 the certificated and instructional employees' collective bargaining agent shall request recognition as bargaining agent.
2. The governing board shall respond to such request not later than October 1.
3. On or before November 1 negotiations shall begin.
4. On or before February 8 if an agreement is not reached, the parties shall submit to mandatory mediation or factfinding as ordered by the commission unless the parties mutually agree in writing to forgo mandatory mediation or factfinding.
5. On or before March 25 or within twenty-five days after the certification of the amounts to be distributed to each local system and each school district, whichever occurs last in time, negotiations, mediation, and factfinding shall end.
6. If an agreement has not been achieved on or before the date in item 5 above, either party may, within fourteen days after such date, file a petition with the commission to resolve the dispute.
7. The commission shall render a decision on or before September 15.

There shall be no fewer than four negotiations meetings between the certificated and instructional employees' collective bargaining agent and the governing board's bargaining agent prior to mediation, unless the parties agree to a new negotiated

agreement. Either party may seek a bargaining order as provided in statute at any stage in the negotiations.

Either party may seek a bargaining order at any stage in the negotiations. The commission shall provide the parties with the names of five individuals qualified to serve as the resolution officer. If the parties cannot agree on an individual, each party shall alternately strike names, with the remaining individual serving as the resolution officer.

The resolution officer may:

1. determine whether the issues are ready for hearing and settlement;
2. identify for resolution terms and conditions of employment that are in dispute and which were negotiated in good faith but upon which no agreement was reached;
3. accept terms and conditions;
4. schedule hearings;
5. prescribe rules of conduct for conferences;
6. order additional mediation if necessary;
7. take any other action which may aid in resolution of the dispute; and
8. consult with an interested outside party only with the concurrence of all parties.

The resolution officer shall choose the most reasonable final offer on each issue in dispute. If either party is dissatisfied with the resolution officer's decision, it shall have the right to file an action with the commission seeking a determination of terms and conditions of employment. The commission shall resolve, as provided by statute, all of the issues identified by either party and which were recognized by the resolution officer as a dispute. If parties have not filed with the commission by the latter of March 25 or within twenty-five days after the certification of school funds, the decision of the resolution officer shall be deemed final and binding.

Legal Reference:

Neb. Statute 48-811, 816, and 818

Cross Reference:

## 201.01 Board Powers and Responsibilities