

Shape education's future:

BARGAIN

Education employees in Missouri have a constitutionally guaranteed right to bargain collectively. Although public employees had been denied the exercise of this right since 1947, the Supreme Court, in a case brought by Missouri NEA, restored that right on May 29, 2007.

Although many MNEA local associations had been involved in some form of discussions or negotiations over welfare, working conditions and salary issues, most of these agreements were changes in school-board policy and did not have the legal force of a bargained contract between the employee association and the board of education. Now, however, agreements between the local association and the school board, if properly executed, are binding.

Missouri's Public Sector Labor Law provides the framework for collective bargaining for non-certificated employees. However, there is no bargaining statute that applies to teachers. Therefore, it is appropriate for the local association and the school board to work together in establishing the procedures to be followed.

What is collective bargaining?

Collective bargaining allows school boards and associations to meet, discuss and come to agreement on matters of employee concern.

What does the Supreme Court's decision change?

- ? Employees, not employers, may choose to bargain or not to bargain.
- ? The agreement will be enforceable and will not be changed unless the employees agree.

Why should employees bargain collectively?

- ? Through bargaining, the association works for an environment that will permit members to practice their profession effectively.
- ? Bargaining is the vehicle that places employees in the process of sharing decision making regarding conditions under which they will work.

Does bargaining create conflict?

The optimum expectation is that the bargaining process will be carried out by the employee association, administrators and school board members in good faith and in an atmosphere of cooperation. Occasionally conflicts arise. The challenge then is to preserve the good-faith effort, to resolve disagreements with a minimum of antagonism and to reach an agreement.

What is a master agreement?

A master agreement for education employees is a written contract negotiated by the association and the school board. The agreement is signed by the association and adopted and signed by the school board. It establishes professional and economic rights and conditions of employment for a fixed period of time.

The association and the school board are bound by the provisions of the agreement.

Why is a master or collective agreement better than an individual contract?

A master agreement is a bilateral contract binding on both the association and the school board. The master agreement establishes many more rights and benefits than individual contracts.

What does a master agreement accomplish?

A master agreement establishes the following:

Rights--School board policies are transformed into definite contract rights that are enforceable.

Improvements--Teaching and learning conditions are improved as reforms are negotiated into the agreement year after year, and education employees improve working conditions and benefits.

Ratification--Employees choose their working conditions. A contract cannot be unilaterally imposed. Education employee needs and concerns become the interest of the administration and school board.

Partnership--Education employees become partners with the administration and school board. A “mutual agreement” replaces unilateral school board policy.

Morale--Speedy relief of conflict is provided in the grievance procedure. An open atmosphere is created when equity and due process replace administrative domination.

Reform--Education employees collectively bargaining master agreements will change state and national attitudes and invoke sensitivity to the educational and financial needs of public schools.

Public Support--As members of the public see education employees working to improve education conditions for their children, they will form a closer alliance with employee groups.

Professional Standards--A master agreement allows employees to set standards that will transform into employment rights. Teacher issues might include class-size limits, fair evaluation process, textbook selection, discipline support, adequate supplies and materials, supportive staffing and relief from nonprofessional chores.

Education support employee issues might include grievances, transfers, evaluations, fair dismissal, seniority rights and job descriptions.

What would collective bargaining mean to employees who are not members of the association elected as the bargaining agent?

Collective bargaining provides for all employees in a particular employee category, known as the bargaining unit, to be represented. They will receive bargaining benefits, grievance representation and complaint representation. They will have the right to express concerns to the association elected as representative.

Does every association member have a chance to participate in forming the agreement?

Yes. A total package is developed by the leadership after surveying the priorities of the membership. Every member has many opportunities to submit his or her needs and desires. The agreement must be ratified, however, by a majority of those in the bargaining unit.

How can a master agreement help the students and the community?

All items in the package can be translated into benefits to the students and the community. Some direct benefits may include reduced class size, adequate materials, curriculum benefits, clean and safe facilities, adequate health care and nutritional meals.

Will a master agreement replace tenure?

No. Tenure is granted by state law. A master agreement could improve tenure by providing due process for all or most employees, but this would be determined through the bargaining process.

What is a grievance procedure?

A grievance procedure is the means whereby the agreement is enforced. A master agreement could provide that any dispute over the application or interpretation of the agreement that is not settled between the association and the school board may be appealed to an impartial third party (arbitrator) whose decision would be final and binding.