

Basic Negotiations – Session 1: Preparing for Negotiations

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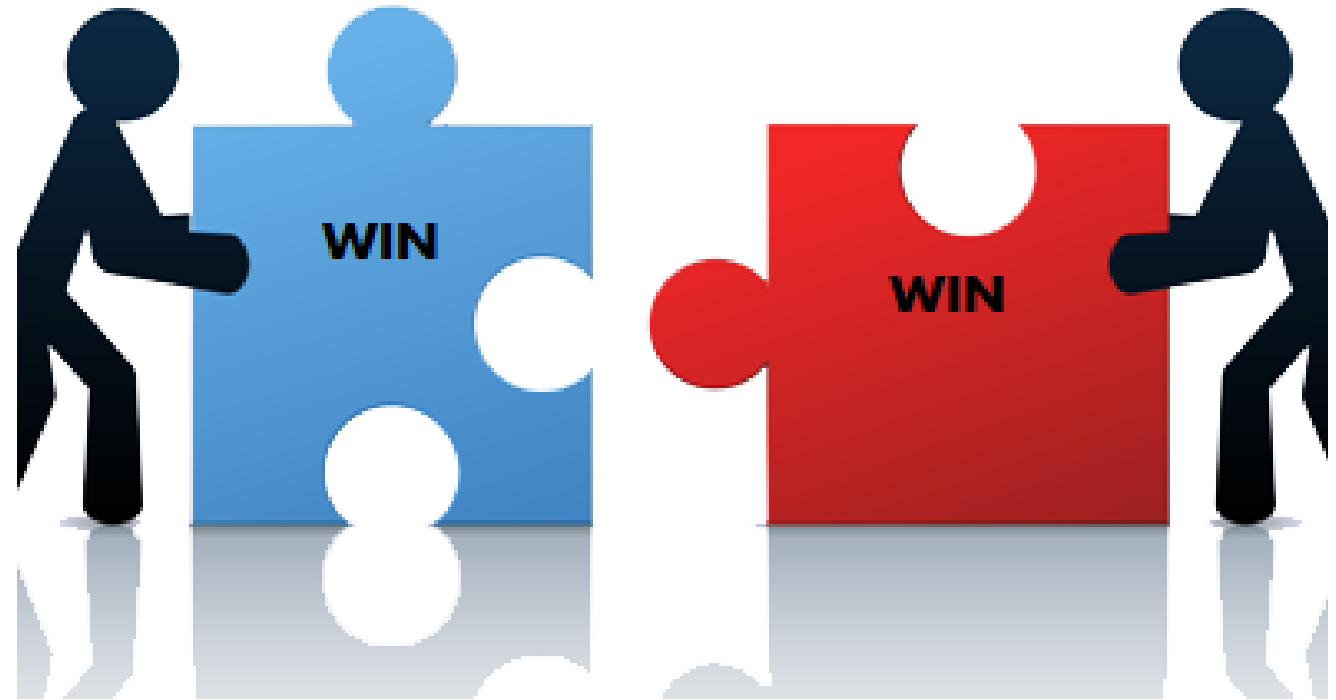
Presented by: Daniel Esakoff, LRS



Purpose

- Introduce participants to the bargaining process.
- Discuss the process and steps necessary to prepare for negotiations.

NEGOTIATION



Choosing Members of the Negotiating Team

- How are members chosen? Are they appointed or elected?
- Does your constitution dictate the makeup of the negotiating team?
- What factors should be considered when choosing individuals to be on the negotiating team?

Organizing Questions for Negotiating Team

- Who will be the chairperson of the team?
- Who will be the chief spokesperson at the table?
- How will decisions be made?
- How many members must be present?
- Who is going to the table?
- If the full team is not going to the table, what decision making power do the members at the table have?
- Who will be taking notes?
- Will anyone be speaking besides the chief spokesperson?
- How will information be brought back to the secondary team?
- What information will be reported back to the general membership?
- How will this information be reported back?

The Bargaining Notebook

Suggested Content:

- Union proposals and all counterproposals (status sheets of proposals)
- District Proposals and all counter proposals (status sheets of proposals)
- Current Collective Bargaining Agreement
- Side Letters of Agreement
- Bargaining notes
- Salary information
- Miscellaneous documents - (depending on proposals) school calendar, seniority lists, sick & personal day usage
- Relevant comparison information

Information Necessary to Commence Bargaining

- Surveys of Membership
- Current Salary Schedule including any/all footnotes, stipends, add-ons
- Scattergram for current year
- Cost of Increment
- Breakage/Projected Turnover in Unit
- Characteristics of Members of Unit
- Comparative Data from Neighboring Districts
- NYSUT Budget Analysis
- What else?
- How to get the information you need from the district?

Steps for Developing Proposals

- Survey Membership
- Meet with membership – Focus Groups
- Review past grievances and contract issues
- Create list of general proposals
- Decide on which proposals will be brought to the table
- Write specific proposals
- Prioritize proposals

Sample Short Form Proposals

Contract Proposals of the Smallville School Employees' Association

For a successor agreement to the current collective bargaining agreement (2016-2020)

- 1) Bereavement Article V, 3 (page 3)
 - Add domestic partner to list of family members for who's death the member is eligible for five bereavement leave days.
 - Add niece/nephew to list of family members for who's death the member is eligible for three bereavement leave days.
- 2) Educational Incentive Article XV (page 12)
 - All employees holding a two (2) year college associate degree or higher from an accredited college/university while in employment of the District shall be entitled to annual educational incentive payment of \$250.00. Employees must notify the District of their eligibility for such payment and provide the District with official transcripts by February 1st of the schoolyear in which they first request the payment. Said payment shall be made by separate check on or before June 30th of each year and shall not become part of the employee's base salary.
- 3) Holidays Article XIII (page 8)
 - Add second Day of Rosh Hashana to paid holidays

Sample Long Form Proposals

Contract Proposals of the Smallville School Employees' Association

- The attached contract proposals are hereby submitted by the Smallville School Employees' Association for the purpose of negotiating a successor agreement to the 2015-2018 Collective Bargaining Agreement.
- These proposals are submitted with the understanding that unless specified herein, all contractual provisions shall continue, unchanged, from the current Agreement to the Successor Agreement.
- Where changes to contract language are proposed the following format shall be followed:
 - Additions to the agreement are written in **boldface**.
 - Deletions to the agreement are printed with a ~~strikethrough~~.

Sample Long Form Proposals (cont.)

- 1) Article VIII, F Welfare Fund
 - The district will contribute the following amounts to the welfare fund, per eligible member: ~~\$775 in 2015-2016, \$775 in 2016-2017, \$775 in 2017-2018.~~
 - \$1,000 in 2018-2019, \$1,000 in 2019-2020, \$1,000 in 2020-2021
 - The deadline for submitting for reimbursement will be June 30th of each school year.
- 2) Salary: All salary schedules shall be increased by 4% for 2018-2019, 4 % for 2019-2020 and 4% for 2020-2021.
- 3) (New) A stipend shall be established for the following
 - Teaching Assistant Level II: \$300 per year
 - Teaching Assistant Level III: \$600 per year
- 4) Article VIII, A, IV During the open enrollment period each school year, individuals with proof of an equal or better plan from another source may sign a waiver of coverage will be eligible for a lump sum payment of ~~\$1650~~ **\$2,500** in June of each school year.
- 5) Article VI, G. ~~Administrators will decide who will substitute for a teacher.~~ **Members will be assigned to substitute based on a rotating list.** All bargaining unit members who substitute for a teacher, shall receive ~~\$50~~ **\$72** in addition to their regular hourly rate of pay for the hours or work performed.

Priorities

Rating Our Proposals:

4 = Must have – will not vote to ratify the agreement without this. **Need**

3 = Very important – may be willing to trade. However, not an absolute deal breaker. **Need**

2 = Important (maybe to some) – would be nice. **Want**

1 = Not too important – would be nice. **Want**

Rationales in Negotiations

Some of the rationales used in negotiations:

- It is a good idea
- It fixes a problem for us (the union)
- It fixes a problem for you (the employer)
- It helps the kids It saves money
- We need this for political reasons
- Everyone else has it
- This will clarify the practice
- It's the right thing to do
- This is the market rate
- We can't hire anyone
- We can protect our members
- It will reduce litigation
- We can't pass this deal without this
- The Community supports this
- It is educationally sound practice

Negotiation Terminology

- Across the Board (ATB): A negotiated increase that is applied to all dollar amounts in the contract.
- Arbitration (Grievance Arbitration): The referral of a dispute by voluntary agreement of the parties to an impartial person for determination on the basis of evidence and arguments presented by both parties.
- Arbitration Clause: A provision in a collective bargaining agreement requiring that disputes arising out of or relating to the contract be resolved by arbitration.
- Association/Union Rights: Identifies rights that apply to the association such as access to email, meeting space, office space. Also, access to new members at orientation, meeting time during conference days, etc.

Negotiation Terminology (cont.)

- Benefit/Welfare Trust Fund: Fund established by the union to provide specific benefits to all members. Funded by negotiated contributions from the district and administered by a board of trustees composed of selected union members.
- Breakage: The savings an employer realizes when employees retire and are replaced by lower cost employees.
- Collective Bargaining Agreement (CBA): Your contract.
- Consensus: Decision making model where all members agree or at least no one disagrees with moving an item forward. As opposed to decision by majority vote.
- Health Insurance Buyout: A dollar amount paid to members who decline the district's health insurance coverage.

Negotiation Terminology (cont.)

- Housekeeping Items: Clarification or cleaning up of contract language. Not considered a proposal.
- Increments: The dollar amount between salary steps. May also refer to percent difference between steps.
- Lanes/Lane Changes: Additional money on a salary schedule usually paid for additional educational study. Movement traditionally happens after completing 15 graduate credits, (i.e. BA, MA, MA+15, MA+30, etc.).
- Longevity: Additional money paid, usually in straight dollars, for a designated length of service with an employer.
- Labor Relations Specialist (LRS): Your NYSUT representative.

Negotiation Terminology (cont.)

- Memorializing a Practice: Adding contract language regarding a practice that both sides agree is already established. Usually part of housekeeping items.
- Non-Economic Items: Contract proposals that do not have a direct monetary cost associated with them, (i.e. leave time, evaluation procedures, class size).
- Off Step Employees: Employees who have reached the last step on a salary schedule and, thus, no longer receive automatic step increment.
- Payroll Deduction: Clause that allows members to have funds deducted from their paycheck for specific purposes. Examples: VOTE/COPE, NYSUT Member Benefit programs such as insurance (life, auto, pet, etc.), legal plan.

Negotiation Terminology (cont.)

- Public Employees Relations Board (PERB): The agency responsible for administering the Taylor Law, which governs union/employer actions in New York for **public sector** employees.
- Re-opener: The parties agree to open negotiations on an existing agreement, usually on specific topics.
- Rollover: An existing agreement is extended by the parties, usually with only minor changes or wage increases in the additional years.
- Salary Schedule: A wage system whereby employees receive additional compensation for increased educational attainment (columns) and for additional years of credited experience (steps).
- Scattergram: A document that shows the distribution of employees on the salary schedule.

Negotiation Terminology (cont.)

- Separation Pay/Early Retirement Incentive: Dollar amount paid to members as an incentive to retire early or to commit to a specific retirement date in advance.
- Sick Day Buy-Back/Cash Out: Payment for unused sick days, usually at the time of retirement.
- Sick Leave Bank: A bank that members, who have used up all of their sick leave, can apply to for additional sick days if they meet certain criteria. The bank is usually funded by donations from the full membership.
- Side Letter/Supplemental MOA/MOU: Agreement usually on a specific item agreed to between official negotiations.
- Steps: Placement on a salary schedule, usually determined by length of service with the employer.

Negotiation Terminology (cont.)

- Stipends: An amount usually paid for a specific duty or assignment beyond the employees' normally assigned duties.
- Sunset Language: Language added to a contract clause that basically puts an end date to that specific clause. A clause with sunset language will not continue under Triborough.
- Taylor Law: The New York State Law governing employer/labor relations of all public employees in the state.
- Triborough Amendment: An amendment to the Taylor Law that mandates if a contract expires all of the terms and conditions of that contract will continue until the parties have negotiated a new agreement. (Public Sector)

Questions?

Basic Negotiations – Session 2: At the Table

Presented by:
Daniel Esakoff, LRS



First Meeting with District

- Introductions
- Ground Rules
- Exchange of proposals (or not?)
- Caucus-
 - use of breakout rooms or separate meetings?
- Reconvene – Clarification of Proposals
- Setting Future Negotiation Dates
- Adjourn



Ground Rules

1. The parties present at the bargaining table have the authority to enter into a Memorandum of Agreement.
2. Any Memorandum of Agreement reached at the bargaining table is subject to ratification by the members of The Smallville School District Employees' Association and the Board of Education.
3. The dates and lengths of negotiations sessions shall be mutually agreed upon.
4. Negotiations will be kept confidential up to filing of impasse. If impasse is declared, either party may contact the public or the press after notifying the other party 24 hours in advance.
5. There shall be no new proposals submitted by either party after the second (or third?) negotiation session, except for counterproposals that are attempts to resolve issues already on the table. The first meeting at which proposals are exchanged shall be considered the first negotiation session.
6. The parties shall designate a spokesperson that shall be the primary spokesperson for the course of negotiations
7. If the meetings are virtual the parties will agree to use ZOOM. (or a different platform if mutually agreed to)
8. Parties shall alternate setting up and moderating virtual meetings
9. The meetings will not be recorded by either party.

SO AGREED, this the 4th day of March 2020

Exchanging Proposals

- Before meeting or at the first meeting
- PDF or .docx

Between Meetings with District

- Team Meeting
 - Debrief
 - Review Employer's Proposals
 - Develop Counter Proposals
- Informal Discussions
 - LRS and Employer's Lawyer
 - President/Chief Negotiator and Superintendent/Business Official
- Submit Counterproposals Before Meeting **OR** Present at Meeting

Meetings with Employer

- Review/General Commentary on Proposals
- Present Counterproposals
 - Orally OR Printed/screen share
 - Address each proposal individually OR Package Proposal
 - Caucus
 - Respond to Counterproposals OR Adjourn for Team Meeting
- And Repeat and Repeat....

Package Proposal

Smallville School District Employees Association

10/18/2018 (delivered via e-mail)

*This Association submits the following as a package proposal and the Association reserves the right to revert to any previous proposals if this package is rejected.

1. 2% increase to all salary schedules, retroactive to July 1, 2018.
2. Add 1 additional paid Holiday, Christmas Eve (or other mutually agreeable holiday), for all members, retroactive to July 1, 2018.
3. **(New) Bargaining unit members who substitute for the same teacher for the full day shall follow that teacher's schedule including a duty free preparation period.**
4. Article V. Grievance Procedure: A "grievant" shall mean an employee affected by a claimed violation or misinterpretation of the contract. **The association will also have the ability to file a grievance in the name of the association.**
5. For any member hired after date of full ratification, no benefit trust for the first year of employment.
6. For any member hired after date of full ratification, leave days will accrue proportionally by month for the first year of employment.
7. Health insurance premium contribution for any member hired after date of full ratification will be 15%.
8. Members' eligibility for health insurance will be a minimum of 30 working hours per week or \$11,000 per year.

Impasse

- PERB (Public Employment Relations Board)
- Mediation
 - Assignment of mediator
 - Costs
 - Process
- Fact-Finding

Mistakes in Bargaining

What follows is a list of common mistakes made in negotiations. Try not to do them. (It is not a complete list.)

- Bargain against yourself
- Undervalue a concession
- Overvalue a gain
- Don't understand implications of proposal
- Set your goals too low
- Rush through the settlement
- Don't reach consensus with your team
- Change positions frequently
- Destroy the relationship

Negotiation Terminology (At the Table)

- Across the Board (ATB): A negotiated increase that is applied to all dollar amounts in the contract.
- Caucus: A closed meeting of one of the teams at the negotiations table.
- Collective Bargaining Agreement (CBA): Your contract.
- Consensus: Decision making model where all members agree or at least no one disagrees with moving an item forward. As opposed to decision by majority vote.
- Delayed Steps: Salary increases that go into effect at a later date than usual. (i.e. February 1 instead of July 1)
- Fact Finding: In the event mediation fails, a fact finder is appointed or selected by the parties to take evidence and make recommendations for a settlement agreement. The fact finder cannot force the parties to accept his/her recommendation.

Negotiation Terminology (cont.)

- Flat Dollars: A salary increase based on a specific dollar amount as opposed to a percentage increase.
- Good Faith Bargaining: The requirement that a school district and union meet at reasonable times and confer with one another with an intent to reach an agreement with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any grievance arising under the agreement, and the execution of written agreements. Although school districts and unions are required to negotiate in good faith, the Taylor Law specifically provides that neither the school districts nor unions are required to agree to a proposal or to make a concession.
- Grandfather Clause: A provision in a collective bargaining agreement which exempts employees from a newly-bargained term of the contract; i.e., only employees hired after the contract is negotiated will be affected by the clause.

Negotiation Terminology (cont.)

- Increments: The dollar amount between salary steps. May also refer to percent differences between steps.
- Lanes/Lane Changes: Additional money on a salary schedule usually paid for additional educational study. Movement traditionally happens after completing 15 graduate credits. (i.e. BA, MA, MA+15, MA+30, etc.)
- Longevity: Additional money paid, usually in straight dollars, for a designated length of service with an employer.
- Labor Relations Specialist (LRS): Your NYSUT representative.
- Mediation: The process to address an impasse in which a neutral party is assigned or selected by the parties to assist them in reaching a settlement. The mediator has no power to force a settlement.

Negotiation Terminology (cont.)

- Off Schedule Payment: This is a salary increase that does not go onto the salary schedule, but recurs every year following the designated employee through his/her career.
- Off Step Employees: Employees who have reached the last step on a salary schedule and, thus, no longer receive automatic step increment.
- Pattern Bargaining: Negotiations in which the employer expects a union to settle for terms similar to those to which its other bargaining units have agreed.
- Pre-steps: A management proposal to add lower paid steps to the beginning of an existing salary schedule.
- Public Employees Relations Board (PERB): (public sector) The agency responsible for administering the Taylor Law, which governs union/employer actions in New York for public sector employees.

Negotiation Terminology (cont.)

- Ground Rules: An agreement between an employer and a union on how negotiations will be conducted. Usually these rules are negotiated separately before bargaining begins, but ground rules may also be contained in the collective bargaining agreement.
- Hard Freeze: No salary increase, step movement or lane movement.
- Housekeeping Items: Clarification or cleaning up of contract language. Not considered a proposal.
- Impasse: A condition that occurs when no further progress can be made in negotiations. In the private sector this can mean that the employer can unilaterally impose their "last best offer." In the public sector impasse begins the mediation and fact finding process.
- Improper Practice (IP): An action by the employer or the union which is prohibited under the Taylor Law. Employer actions which are not grievable may be subject to an Improper Practice charge.

Negotiation Terminology (cont.)

- Memorandum of Agreement/Memorandum of Understanding (MOA/MOU): A legal document summarizing the items agreed to in negotiations.
- Memorializing a Practice: Adding contract language regarding a practice that both sides agree is already established. Usually part of housekeeping items.
- Non-Economic Items: Contract proposals that do not have a direct monetary cost associated with them. (i.e. leave time, evaluation procedures, class size)
- Non-Recurring Payments: Also called one-time payments or signing payments, these are usually fixed amounts that are paid only one time to the employees.

Negotiation Terminology (cont.)

- Retroactivity: Any new monies owed since the expiration of the previous contract.
- Rollover: An existing agreement is extended by the parties, usually with only minor changes or wage increases in the additional years.
- Salary Schedule: A wage system whereby employees receive additional compensation for increased educational attainment (columns) and for additional years of credited experience (steps).
- Soft Freeze: No across the board increase.
- Splits: A salary increase that takes effect on different calendar dates. (i.e. 2% on July 1, 2016, 2% on February 1, 2017)
- Steps: Placement on a salary schedule, usually determined by length of service with the employer.

- Stipends: An amount usually paid for a special duty or assignment beyond the employees' normally assigned duties.
- Sunset Language: Language added to a contract clause that basically puts an end date to that specific clause. A clause with sunset language will not continue under Triborough.
- Superconciliation: Mediation after fact-finding. Also known as conciliation.
- Taylor Law: The New York State law governing employer/labor relations of all public employees in the state.
- Triborough Amendment: (public sector) An amendment to The Taylor Law that mandates there be no change in a contract until the parties have negotiated a new agreement.
- Triborough Costs: (public sector) The amount an employer would be required to pay their employees in the next year under the existing contract.
- Two-tiered benefits/wages: Separate wage or benefit packages for different employees, usually based on the date of hire.

Negotiation Terminology (cont.)



Questions?

Basic Negotiations - Session 3: Closing the Deal

Presented by: Daniel Esakoff, LRS



Purpose of Workshop

- Discuss how to reach an agreement after negotiating.
- Discuss what steps that are necessary after a tentative agreement is reached at the table.
- Review negotiations process and procedure

Putting the Pressure On

- Building Coalitions (should already be established)
- Action/Solidarity Committee
- Pressure Tactics
 - Support for negotiations team
 - Attending BOE meetings
 - Shirts/Buttons
 - Informational picketing
- What constitutes an illegal job action?



The Memorandum of Agreement (MOA)

MEMORANDUM OF AGREEMENT
Between
The Hendrick Hudson School District and
Hendrick Hudson Teacher Aide and Monitor Association

WHEREAS, the Hendrick Hudson Teacher Aide Monitor Association (hereinafter "TAMA") and the Hendrick Hudson Central School District (hereinafter the "District") are parties to a Collective Bargaining Agreement between them which expired on June 30, 2015; and

WHEREAS, the parties have tentatively resolved the terms and conditions of a successor agreement, the contents of which are contained in this Memorandum of Agreement, which is subject to ratification by the membership of the Association as well as the Board of Education.

THEREFORE, IT IS HEREBY AGREED by and between the parties the following shall constitute the terms and conditions of a successor collective bargaining agreement to the 2012 - 2015 Agreement, subject to the ratification process referenced above.

The parties hereby agree to the following:

- The signatories below agree to recommend this Memorandum for ratification/approval.
 - All provisions of the collective bargaining agreement (July 1, 2012- June 30, 2015) shall continue in full force and effect unless altered by this Memorandum.
 - All monetary provisions of this Memorandum shall be retroactive to July 1, 2015 unless otherwise noted.
1. Duration:
Three year agreement 7/1/15 through 6/30/18.
 2. Wages: (All Wage Schedules)
Effective 7/1/15 - 2% increase above prior year
Effective 7/1/16 - 2% increase above prior year
Effective 7/1/17 - 2% increase above prior year

1. Health Insurance:

For employees hired prior to 7/1/15

Increased employee contribution as follows:

7/1/15 - increase to 11% for individual, 12% for family

7/1/16 - increase to 12% for individual, 12.5% for family

7/1/17 - increase to 13% for individual, 13% for family

For employees hired on or after 7/1/15

The employee contribution will be as follows:

7/1/15 - 13% for individual, 13% for family

7/1/16 - 13% for individual, 13% for family

7/1/17 - 13% for individual, 13% for family

Employees not currently contractually eligible for health insurance coverage may receive health insurance coverage if they agree to pay 100% of the premium.

2. Health Insurance in Retirement

For anyone hired on or after 7/1/2015

Employee will pay the **percentage** towards health insurance that they were paying at the time of retirement.

No change for employees hired prior to 7/1/15.

9. All side letters of agreements, stipulations of settlements and letters of clarification previously agreed to will be incorporated into the collective bargaining agreement.

These documents are attached to this memorandum.

So Agreed this day of September, 2015, subject to ratification by the respective constituencies.

For the District

For the Union

By: _____

By: _____

Superintendent of Schools

President, TAMA

Ratification

➤ The Ratification Meeting

➤ Check your constitution

- When?
- Where?
- Who will present?
- What will you present and what will you distribute?
 - MOA OR Highlights
 - Gains & Givebacks Chart
 - New Money
 - Comparisons

GAINS

- Salary Increase
2.75% (full retro), 2.80%,
2.95%
- Seniority Rights
- Recall Rights
- Teaching Assistant Title with 5%
increase in salary
- Welfare fund
Increase to \$525, \$700,
\$775
- Longevity
All longevity payments
increased by \$150
- Health insurance waiver
Increased by \$200

GIVE-BACKS

- Health Insurance contribution
Increase by 1% a year to:
8%,9%,10% (individual)
9%,10%,11% (family)
- 15 Years of service required for
Health Insurance in retirement for
members who join TAMA on or
after July 1, 2009
- District can schedule up to 5
positions to start 1 hour before or 1
hour after the normal workday
- If married couple is employed by
district, one must take health
insurance waiver

Total New Money

2009-2012 contract

(over the 3 years of the new contract)

Salary

Lowest paid members will receive an additional \$2,961.92

Middle paid members will receive an additional \$4,112.74

Highest paid members will receive an additional \$4,963.65

Welfare Fund

All members will be eligible for an additional \$650 worth of reimbursements, over the 3 year period

Other

Longevity

All longevity payments increased by \$150

Health Insurance Waiver

Increased by \$200 per year (\$600 over the 3 years)

Additional Costs for Members

(over the 3 years of the contract)

Health Insurance *

Individual = \$477.34 (above what it would have cost if % did not change)

Family = \$1,193.35 (above what it would have cost if % did not change)

*assuming a yearly 13% health insurance rate increases for 2010-11 & 2011-12

Voting

- Check your Constitution
- Procedure
- Who is eligible?
- When to vote?
- Where to vote?

If MOA is not Ratified

- If MOA is not approved by the membership
- Options
 - Revote
 - Return to the bargaining table

Post-Ratification

- Debrief Negotiating Team
- Proofing salary schedules
- Retroactive Payments
- Update Contract
- Proofing language changes

If MOA is Ratified

- If MOA is approved
 - Inform membership
 - Inform District
 - BOE Votes
 - If BOE does not ratify, return to the table

Negotiations Terminology

- Across the Board (ATB): A negotiated increase that is applied to all dollar amounts in the contract.
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Negotiations Terminology (cont.)

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Negotiations Terminology (cont.)

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- Grandfather Clause: A provision in a collective bargaining agreement which exempts employees from a newly-bargained term of the contract; i.e., only employees hired after the contract is negotiated will be affected by the clause.

Negotiations Terminology (cont.)

- Payroll Deduction: Clause that allows members to have funds deducted from their paycheck for specific purposes. Examples: VOTE/COPE, NYSUT Member Benefit programs such as insurance (life, auto, pet, etc.), legal plan.
- Picketing: A form of protest where union members patrol the perimeter of a particular location to publicize a labor dispute or to influence public opinion. Picketing may occur to pressure a school district to agree to certain contract terms, to settle a grievance, or to stop alleged improper practices. Picketing is not synonymous with striking.
- Pressure Tactics: Strategies employed by a union or a school district to swing public opinion to its side with the intent of obtaining a favorable contract settlement.
- Pre-steps: A management proposal to add lower paid steps to the beginning of an existing salary schedule.
- Public Employees Relations Board (PERB): The agency responsible for administering the Taylor Law, which governs union/employer actions in New York for **public sector** employees.

Negotiations Terminology (cont.)

- Ground Rules: An agreement between a district and a union on how negotiations will be conducted. Usually these rules are negotiated separately before bargaining begins, but ground rules may also be contained in the collective bargaining agreement.
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- Health Insurance Buyout: A dollar amount paid to members who decline the district's health insurance coverage.
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- Impasse: A condition that occurs when no further progress can be made in negotiations. In the private sector this can mean that the employer can unilaterally impose their "last best offer." In the public sector impasse begins the mediation and fact finding process.

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- Off Step Employees: Employees who have reached the last step on a salary schedule and, thus, no longer receive automatic step increment.
- Pattern Bargaining: Negotiations in which the employer expects a union to settle for terms similar to those to which its other bargaining units have agreed.

Negotiations Terminology (cont.)

- Improper Practice (IP): An action by the employer or the union which is prohibited under the Taylor Law. Employer actions which are not grievable may be subject to an Improper Practice charge.
- Increments: The dollar amount between salary steps. May also refer to percent difference between steps.
- Informational Picketing: Picketing which does not result in a work slowdown or strike. The goal of this type of picketing is to publicize a dispute between the union and the school district.
- Job Action: Any concerted effort by employees to exert pressure on management during negotiations using tactics which affect the quality and/or quantity of their work performance. Types of job actions include: refusal to perform extra duties, sick-outs, work slowdowns, and working to rule.

Negotiations Terminology (cont.)

- Ratification: The membership vote to approve or disapprove the MOA/MOU.
- Re-opener: The parties agree to open negotiations on an existing agreement, usually on specific topics.
- Retroactivity: Any new monies owed since the expiration of the previous contract.
- Rollover: An existing agreement is extended by the parties, usually with only minor changes or wage increases in the additional years.
- Salary Schedule: A wage system whereby employees receive additional compensation for increased educational attainment (columns) and for additional years of credited experience (steps).
- Scattergram: A document that shows the distribution of employees on the salary schedule.
- Separation Pay/Early Retirement Incentive: Dollar amount paid to members as an incentive to retire early or to commit to a specific retirement date in advance.

Negotiations Terminology (cont.)

- Lanes/Lane Changes: Additional money on a salary schedule usually paid for additional educational study. Movement traditionally happens after completing 15 graduate credits, (i.e. BA, MA, MA+15, MA+30, etc.).
- Longevity: Additional money paid, usually in straight dollars, for a designated length of service with an employer.
- Labor Relations Specialist (LRS): Your NYSUT representative.
- Mediation: The process to address an impasse in which a neutral party is assigned or selected by the parties to assist them in reaching a settlement. The mediator has no power to force a settlement.
- Memorandum of Agreement/Memorandum of Understanding (MOA/MOU): A legal document summarizing the items agreed to in negotiations.

Negotiations Terminology (cont.)

- Steps: Placement on a salary schedule, usually determined by length of service with the employer.
- Stipends: An amount usually paid for a specific duty or assignment beyond the employees' normally assigned duties.
- Strike: According to the Taylor Law, "any strike or other concerted stoppage of work or slowdown by public employees". Strikes are illegal under the Taylor Law.
- Sunset Language: Language added to a contract clause that basically puts an end date to that specific clause. A clause with sunset language will not continue under Triborough.
- Superconciliation: Mediation after fact-finding. Also known as conciliation.

Negotiations Terminology (cont.)

- Taylor Law: The New York State Law governing employer/labor relations of all public employees in the state.
- Triborough Amendment: An amendment to the Taylor Law that mandates if a contract expires all of the terms and conditions of that contract will continue until the parties have negotiated a new agreement. (Public Sector)
- Triborough Costs: (public sector) The amount an employer would be required to pay their employees in the next year under the existing contract.
- Two-tiered benefits/wages: Separate wage or benefit packages for different employees, usually based on the date of hire.
- Work to Rule, Working to the Contract: A pressure tactic in which employees adhere to the letter of a collective bargaining agreement in an effort to cause inefficient operations. Under certain circumstances, PERB may determine this to be strike activity.

Negotiations Terminology (cont.)

- Sick Day Buy-Back/Cash Out: Payment for unused sick days, usually at the time of retirement.
- Sick Leave Bank: A bank that members, who have used up all of their sick leave, can apply to for additional sick days if they meet certain criteria. The bank is usually funded by donations from the full membership.
- Side Letter/Supplemental MOA/MOU: Agreement usually on a specific item agreed to between official negotiations.
- Soft Freeze: No across the board increase.
- Splits: A salary increase that takes effect on different calendar dates. (i.e. 2% on July 1, 2016, 2% on February 1, 2017)