

**Franklin Public Schools  
Franklin, Massachusetts 02038**

**Action Required**

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**Subject:** Policy – First Readings

**Date:** October 24, 2023

**Dept:** School Committee

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**Reason:** Required Vote

**Enclosure:** yes

**Recommendation:**

Policy - First Readings

I recommend moving the following policies to a second reading as discussed:

HA - Negotiations Goals

HB - Negotiations Legal Status

HF - SC Negotiating Agent

**Action Requested of the School Committee:**

Majority vote of the School Committee is required.

<u><b>Vote Tabulator</b></u>	
C. Bernstein:	Y / N
D. Callaghan:	Y / N
Al Charles:	Y / N
E Stokes:	Y / N

C. Bernstein:	Y / N	D. McNeill:	Y / N
D. Callaghan:	Y / N	M. Whitmore:	Y / N
Al Charles:	Y / N	D Spencer:	Y / N
E Stokes:	Y / N	Action:	_____

## Negotiation Goals

The Franklin School Committee believes that the best interests of public education will be served by establishing procedures that provide an orderly method for the School Committee, ~~or its and~~ representatives, of the staff to discuss matters of common concern. In negotiations, this objective ~~may be is~~ best attained in a climate of mutual trust and understanding between the negotiating parties. ~~The intent of negotiations will be to resolve to mutual satisfaction matters that address wages, hours of employment and working conditions.~~

It is further recognized that nothing in negotiations will compromise the School Committee's legal responsibilities nor will any employee's statutory rights and privileges be compromised.

Reviewed; no revisions 9/25/10

LEGAL REF: M.G.L. 150E

SOURCE: MASC - Updated 2022

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### Negotiations Legal Status

All negotiations between the Franklin School Committee and recognized employee groups are conducted subject to ~~Chapter 150E of the~~ Massachusetts General Laws. The legal status of negotiations is defined in part by Section 12 of that chapter, as follows:

~~"In the case of school employees, the municipal employer shall be represented by the school committee or its designated representative or representatives."~~

~~Employees shall have the right of self organization and the right to form, join, or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion. An employee shall have the right to refrain from any or all of such activities, except to the extent of making such payment of service fees to an exclusive representative as provided in section twelve.~~

Basic to all employer/employee negotiations is the concept of "bargaining in good faith." It is the legal responsibility of both the School Committee and employee organizations to bargain in good faith as they conduct negotiations. However, such obligation does not compel either party to agree to a proposal or make a concession.

SOURCE: MASC - Updated 2022

LEGAL REF.: M.G.L. 150E:1 et seq.

~~Established by law¶~~

~~LEGAL REF.: M.G.L. 150E:1 et seq.~~

Reviewed; no revisions 9/25/10

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## School Committee Negotiating Agents

The **Franklin** School Committee is responsible for negotiations with recognized employee bargaining units. However, because of the expertise and time required for negotiations, the Committee may hire a negotiator to bargain in good faith with recognized bargaining units to help assure that mutually satisfactory agreements on wages, hours, and other terms and conditions of employment will be developed.

The School Committee will appoint the negotiator. The fee or salary for **their** services will be established in accordance with the law at the time of appointment.

The duties of the negotiator will be as follows:

1. To negotiate in good faith with recognized bargaining units to arrive at a mutually satisfactory agreement on wages, hours, ~~and~~ working conditions of employees , **and all other mandated subjects of bargaining**, represented by the units.

The negotiator:

- may recommend members of the administration to serve on the negotiation team. They will not be members of any unit that negotiates with the Committee, and their participation in negotiations must be recommended by the Superintendent and approved by the Committee;
- will direct accumulation of necessary data needed for negotiations, such as comparative information;
- will follow guidelines set forth by the Committee as to acceptable agreements and will report on the progress of negotiations **in a properly posted executive session**;
- will make recommendations to the Committee as to acceptable agreements.

2. The negotiator will interpret the signed negotiated contracts to administrators and may be called upon to offer advice on various aspects of contract administration during the terms of the contracts with employee organizations.

**SOURCE: MASC - Updated 2022**

LEGAL REF.: M.G.L. 71:37E

Reviewed; no revisions 9/25/10

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