

## SECTION H: NEGOTIATIONS

**HA** Negotiations with Employee Representatives

**HH** Teacher Negotiating Representatives

**HPA** Employee Walkouts, Strikes and Other Disruptions

### NEGOTIATIONS WITH EMPLOYEE REPRESENTATIVES

#### Definitions

*Bargaining Unit* B A defined group of employees represented by a union in negotiations for a collectively bargained agreement with the district.

*Employee Representative* B A union selected by an employee bargaining unit to represent the unit in negotiating a collectively bargained agreement with the district.

*Union* B An organization, association or professional group created for the benefit of employees. A union may be selected by employees in a bargaining unit to represent the unit to negotiate a collectively bargained agreement with the district, in which case the union becomes an employee representative for the bargaining unit once the union is recognized by the Board.

#### General

The Orearville R-IV School District recognizes the importance of maintaining ongoing positive relations with employees and consulting with employees when making decisions regarding salary and other conditions of employment. If employees request to do so, the district will bargain collectively with representatives of employees, in accordance with law.

The Board and its representatives will engage in respectful negotiations with employee representatives. It is essential that negotiations not disrupt school operations or negatively impact the educational environment. The ultimate goal of all negotiations is to secure the services necessary to deliver excellent education to the district's students in a safe environment based on a sound, realistic budget.

Furthermore, the Board understands that collectively bargained agreements are legally binding and is committed to carrying out the provisions of each agreement. The legal obligation to collectively bargain does not compel either the district or employee representatives to agree to a proposal or to make a concession. Board policy and district procedures will govern in the absence of a binding agreement,

when the agreement does not address an issue, or when an agreement expires and a new agreement regarding the issue is not reached.

### **Scope**

The Orearville R-IV School District will negotiate salary and other conditions of employment as required by law. All agreements must state a fixed term or duration. The Board will not ratify an agreement that diminishes or compromises management rights or the district's ability to make administrative decisions and educational policy decisions including, but not limited to, curriculum decisions. The Board will not approve an agreement that could cause the Board to violate any state or federal law, negatively affect the district's accreditation, or disrupt or weaken the district's educational program.

The Board will not ratify an agreement that includes impasse procedures for resolution by third parties outside the district including, but not limited to, binding arbitration. All agreements must contain a clause that allows the Board to unilaterally modify the agreement in emergency situations such as natural disasters or financial hardships.

Once an agreement is finalized, the agreement is considered inclusive and complete. Once an agreement is entered into, the district may refuse to negotiate any item that is addressed in the existing agreement, or that was discussed during negotiations for the existing agreement, for the term of the agreement.

### **Employee Representatives**

Employees may join unions or other professional groups of their choice. However, the Board will not voluntarily recognize a union as an employee representative or recognize an employee representative in any manner other than by certifying the results of an election held by secret ballot.

The selection of employee representatives will be in accordance with law, including the Public Sector Labor Law when applicable. When there is no applicable law or when an issue is not directly addressed by law, Board policy will govern.

### **District Negotiation Team**

After receiving recommendations from the superintendent or designee, the Board will designate one (1) or more persons to serve as the district bargaining representative during negotiations with employee representatives. Members of the team may include an attorney, professional negotiator, district employee, Board member or other qualified person. The Board may appoint a chairperson to lead the negotiation team. The Board may also appoint a spokesperson to communicate with the Board or to ensure appropriate communication is made to the public.

The negotiation team is empowered to reach a tentative agreement within the parameters established by the Board. Individual Board members shall not negotiate privately with representatives of any employee bargaining unit.

The Board recognizes that effective negotiations may require input from other members of the district or outside resources. Accordingly, the district negotiation team is authorized to consult with administrators, employees and outside consultants.

### **Preparing for Negotiations**

Careful preparation for negotiations is essential to ensure that any agreement reached is consistent with the goals of the district and that the district is financially capable of compliance. The negotiation team will meet with the Board prior to negotiations to develop negotiation goals and objectives and establish parameters for the negotiations. Meetings, records and votes of negotiation preparation will be closed in accordance with law.

### **Initiation of Negotiations**

The employee representative(s) must notify the superintendent or designee in writing of any issues for negotiation no later than December 1 of the school year in which negotiations will occur. The notice must reasonably specify the item(s) the employee representative desires to negotiate and reasonably explain how the suggested change will positively benefit the educational goals of the district. Failure to meet these notice requirements will preclude the issue from negotiation unless both parties agree otherwise.

### **Negotiation Schedule**

Negotiations will begin no earlier than February 1 and will conclude by June 1 of the school year in which negotiations occur. If a tentative agreement is reached, it must be ratified by all parties no later than June 30 to be included in the next fiscal year's budget. If not ratified by that date, the agreement will not begin until the following fiscal year.

### **Conducting Negotiations**

If the Board has recognized multiple representatives of a bargaining unit, negotiations will only take place if agents from each representative union are present.

Negotiation meetings will be scheduled at times that will not interfere with the work duties of the members of the negotiation teams and will be scheduled to be the least disruptive to the normal business of the district. Employees will not be given paid or unpaid leave from

their duties to participate in negotiations. Unless otherwise approved by the Board, negotiations will be held in district buildings.

The district negotiation team will determine if the meeting may be closed in accordance with law. The chairperson of the negotiation team or designee will ensure such meetings are appropriately posted and that minutes are kept as required by law. In addition, the chairperson or designee will keep a written record of all proposals, counter-proposals, concessions and draft agreements.

### **Contract Ratification**

Any tentative agreement reached will be reduced to writing and initialed by the agents of the respective negotiating teams. Agreements will be tentative until approved by the bargaining unit, approved by a majority vote of the whole Board, and signed by the employee representatives and the Board, in accordance with law.

The representative union(s) shall ratify the tentative agreement before it is presented to the Board for ratification. The union is responsible for obtaining consent to the tentative agreement from the bargaining unit and will notify the Board in writing of the decision. If the Board has recognized multiple unions to represent a single bargaining unit, and all unions obtain approval from the employees represented, the agreement will be considered ratified by the employees. However, if the unions disagree as to whether employees have ratified the agreement, all representative unions must submit to the Board in writing a notarized affidavit stating the total number of employees the union represents, the names of the employees the union represents, and the number of employees that the union represents who have approved the agreement. If the combined number of employees approving the agreement is more than half of the employees in the bargaining unit, the agreement will be considered ratified by the district employees in the bargaining unit.

Before presenting the agreement to the Board, the superintendent or designee shall examine the contract thoroughly and prepare a written estimate of the costs to the district under the agreement and the estimated effect the agreement will have on the district's future budget. Once a written tentative agreement has been presented to the Board, the Board may adopt, modify or reject the agreement.

### **Publication of Agreement**

Once an agreement is entered into, it will be posted on the district's website and otherwise distributed to employees and the community as determined by the superintendent or designee.

## Application of Agreement

All concerns regarding a violation, misinterpretation or misapplication of the agreement will be resolved in accordance with policy GBM.

## Information

The district shall provide employee representatives with information available to the public in accordance with law.

The district will participate in surveys and other data collection efforts designed to assist public school districts in adequately preparing for negotiations with employee groups.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted:

Revised:

Cross Refs:    GBB, Staff Involvement in Decision Making  
                  GBM, Staff Grievances  
                  GCBA, Professional Staff Salary Schedules  
                  GCBC, Professional Staff Fringe Benefits  
                  GCBDA, Professional Staff Short-Term Leaves  
                  GDBC, Support Staff Fringe Benefits  
                  GDBDA, Support Staff Leaves  
                  KI, Public Solicitations/Advertising in District Facilities

Legal Refs:    Mo. Const. art. I, ' 29  
                  " 105.500 - .530, 162.301, 432.070, RSMo.  
                  *Independence - Nat'l Educ. Ass'n v. Independence Sch. Dist.*, 223 S.W.3d 131  
                  (2007)  
                  U.S. Const. amend. I

Orearville R-IV School District, Slater, Missouri

## **TEACHER NEGOTIATING REPRESENTATIVES** ***(Exclusive Representative)***

Unless otherwise governed by law, the Orearville R-IV School District will use the following process to recognize a union to represent teachers for collective bargaining purposes. The superintendent or designee is authorized to make additional rules governing the election process as needed.

All employees other than teachers must apply for certification of their employee representative with the State Board of Mediation in accordance with law.

### **Initial Recognition**

The Board will not voluntarily recognize an organization, association, union or professional group (a "union") as the representative for district teachers without a secret ballot election. To request an election to select a union, a district teacher must first submit to the superintendent or designee:

1. A description of the proposed bargaining unit requesting representation. The description will include the general classifications of employees sought to be included and excluded and the approximate number of teachers in the proposed bargaining unit.
2. The name of the union seeking recognition as the exclusive representative and the name, address, e-mail address and telephone numbers of the union's contact person.
3. A petition requesting an election by secret ballot signed by at least 30 percent of the district teachers in the proposed bargaining unit. No signature can be older than six (6) months from the date the petition is submitted to the superintendent or designee. The petition will be submitted in a sealed envelope separate from the other required information and labeled "Petition."

Once the superintendent or designee receives such a request, he or she will post notice of receipt of the request in the same location that notices for Board meetings are posted. The notice will set a date no earlier than 20 business days from the first date of posting for teachers interested in representation by a different union to submit a request as described in the "Other Interested Unions" section of this policy.

The superintendent or designee and the contact person for the union seeking recognition will identify a person mutually acceptable to both the district and the union to review the petition. The person will not be an agent or representative of either the district or the

union. The superintendent or designee will provide the designated person a list of names of district teachers meeting the definition of the proposed bargaining unit. The envelope labeled "Petition" will remain sealed until the designated person opens it to verify that signatures from at least 30 percent of the teachers in the proposed bargaining unit were obtained. The designated person will not disclose the petition, which employees signed the petition, or the total number of employees who signed the petition to any person unless required by law. The designated person will notify the superintendent or designee whether 30 percent of the signatures were obtained, but will not provide additional information unless required by law.

The superintendent or designee, and the person designated to review the petition, will have 30 business days to verify that the required information is present and to examine the description of the proposed bargaining unit. The superintendent or designee will notify the contact person for the union seeking recognition of any missing information, so that the problem can be corrected immediately.

If the information is complete, the superintendent or designee will submit to the Board a written recommendation on the appropriateness of the bargaining unit description and a list of the district teachers who would belong to the unit, if formed. If the superintendent or designee determines that the description is appropriate and the Board agrees, the Board will set a date for the election to take place.

If the superintendent or designee determines that the proposed bargaining unit is not appropriate, the Board will set a date and time for a public hearing on the issue, unless the district and the union agree that a hearing is not necessary to resolve the dispute. If a hearing is held, the contact person for the union seeking recognition will receive notice of the hearing. The superintendent or designee and the entity seeking recognition will have an opportunity to present witnesses and arguments. The Board will make a determination as to the appropriateness of the description of the proposed bargaining unit within ten (10) business days of the hearing. The Board's decision will be final.

If the description of the proposed bargaining unit is not approved, a district teacher may submit a revised description. The superintendent or designee will provide the designated person a list of names of district teachers meeting the revised definition of the proposed bargaining unit so that the designated person can determine if signatures from at least 30 percent of the teachers in the revised proposed bargaining unit were obtained. If so, the superintendent or designee will submit to the Board a written recommendation on the appropriateness of the proposed bargaining unit, as described above. If the appropriate number of signatures were not obtained, the teacher must resubmit the request for an election as described above.

## **Other Interested Unions**

Once the district has posted notice that a request has been made to select a union or to change union representation, any teacher interested in being represented by a different union may submit a request to the superintendent or designee. The teacher must submit the same information as required above for initial recognition, except that only ten (10) percent of the teachers need to sign the sealed petition. All information must be submitted to the superintendent or designee no later than the date set in the district's posted notice. The Board will delay setting a date for the election until the information is reviewed by the superintendent or designee and the person designated to review the petition. If the request was submitted before the deadline and at least ten (10) percent of the teachers in the bargaining unit signed the petition, the union will be listed on the ballot.

## **Conducting the Election for Representation**

The Board will approve the ballot language after receiving recommendations from the superintendent or designee and any union that will appear on the ballot. All ballots will include an option where a teacher may vote not to be represented by any union.

The superintendent or designee will provide notice of the election in writing, electronically or otherwise, to all teachers in the proposed bargaining unit. In addition, the superintendent or designee will post notice of the election at the superintendent's office and in all instructional buildings in the district no less than ten (10) business days prior to the election.

The notice shall contain:

1. The date, hours and place of the election.
2. A copy of Board policies and procedures regarding the election of a teacher representative.
3. A description of the proposed bargaining unit.
4. A sample ballot with ASample@ clearly marked on its face.

The election will be held in one (1) or more polling places reasonably convenient to the teachers voting and at times when the teachers in the proposed bargaining unit may vote without leaving their assigned duties. The election will be conducted by secret ballot. The superintendent or designee will appoint one (1) or more district employees or other persons who do not belong to the proposed bargaining unit, or to any union listed on the



ballot, to check the names off of a list of all teachers in the proposed bargaining unit, and distribute and collect the ballots.

The superintendent and each union seeking recognition will select observers so that there is one (1) observer representing the district and one (1) observer from each union at each polling place during the election. Any observer may challenge a teacher=s eligibility to vote. Challenged ballots shall be folded and placed in a sealed envelope with the name of the voter plainly written on the outside. Challenged ballots will not be considered unless the votes could affect the results of the election. If the ballots might affect the results of the election, the challenged ballots will be presented to the Board for a determination.

Ballots will not be tallied until after the posted time for closing the polls, unless all eligible voters have cast their ballots. The ballots will be tallied by the superintendent or designee in the presence of designated observers from the district and the union(s) listed on the ballot. Tallied ballots will be placed in a sealed envelope and saved until all objections are resolved and the Board votes to certify the election results. The tentative results will be recorded in writing and signed by the observers present when the ballots were tallied. The results will remain tentative until the Board votes to certify the results.

Within ten (10) business days after the votes are tallied, any district teacher may file with the Board an objection to the conduct of the election or conduct affecting the results of the election, which shall contain a statement of the reasons for the objection. A copy of the objection will be provided to all members of the Board, as well as the contact person(s) for the union(s) seeking to represent the proposed bargaining unit. The superintendent or designee will investigate all claims.

Unless the district and the persons objecting to or challenging the ballots agree otherwise, the Board will hold a hearing for all objections received and for all challenged ballots if the challenged ballots might impact the election. If a hearing is held, the contact person(s) for the union(s) seeking recognition and the person(s) filing the objection or challenging the ballots will receive notice of the hearing. The superintendent or designee, the person(s) who filed the objection and the person(s) challenging the ballots will have an opportunity to present witnesses and arguments. The Board will make a decision within ten (10) business days of the hearing. The Board=s decision will be final.

The final results of the election will be presented to the Board after the time for filing objections has expired or the Board has made a decision on all objections and, if necessary, challenged ballots.

## **Election Results**

A union will become the teacher bargaining representative if it receives a majority of the votes cast, once the Board has voted to certify the election.

An inconclusive election is an election in which the ballot provides for not less than three (3) choices, including at least two (2) unions and an option for no representation, and where no choice received a majority of the ballots cast. When the results of an election are inconclusive, the Board will set a date for a runoff election as described in this policy. Unless otherwise directed by the Board, there will only be one (1) runoff election.

A null election is an election where all choices received an equal number of votes, or where two (2) choices received an equal number of votes and a third choice received a higher, but less-than-majority vote. When this happens, the Board will declare the election a nullity and set another date to run a new election. If the second election results in another nullity, the Board will dismiss the petition and a bargaining unit will not be formed. If the second election results are inconclusive, a runoff election will be held.

Where two (2) or more choices receive an equal number of votes, another receives no votes, and all eligible voters have voted, neither a runoff nor a rerun election will be conducted. The Board will vote to certify the election results. Because there is no winning choice, no change is made in current district practices.

Once a final decision is made regarding representation of a bargaining unit, a petition requesting another election will not be accepted by the Board for a minimum of one (1) year after the Board voted to certify the results of the previous election.

### **Runoff Elections**

The ballot in the runoff election shall provide for a selection among two (2) or more choices receiving the largest number of votes in the last election, the sum of whose votes aggregate at least one (1) more than half of the total votes cast. After voting to certify the first election, the Board will set a date for the runoff election. The election will follow the notice and election process detailed in this policy. All teachers in the bargaining unit may vote in the runoff election.

### **Changing Representation**

Any teacher in the bargaining unit may request to change the representative of the bargaining unit. The Board will not accept such a petition until a minimum of one (1) year after the Board voted to certify the results of the previous election. A district teacher must submit to the superintendent or designee:

1. The bargaining unit for which representative change is sought.
2. The name of the union seeking recognition as the exclusive representative and the name, address, e-mail address and telephone numbers of the union's contact person.
3. A petition requesting an election by secret ballot signed by at least 30 percent of the district teachers in the bargaining unit. No signature can be older than six (6) months from the date the petition is submitted to the superintendent or designee. The petition will be submitted in a sealed envelope separate from the other required information and labeled "Petition."

Once the superintendent or designee receives such a request, he or she will post notice of receipt of the request in the same location that notices for Board meetings are posted. The notice will set a date no earlier than 20 business days from the first date of posting for teachers interested in representation by a different union to submit a request, as detailed in the "Other Interested Unions" section of this policy.

The superintendent or designee and the contact person(s) for the union(s) seeking recognition will identify a person mutually acceptable to the district and the union(s) to review the petition. The person will not be an agent or representative of either the district or the union(s). The superintendent or designee will provide the designated person the names of district teachers in the existing bargaining unit. The envelope labeled "Petition" will remain sealed until the person designated opens it to verify that signatures from at least 30 percent of the teachers in the bargaining unit were obtained. The designated person will not disclose the petition, which employees signed the petition, or the number of employees who signed the petition to any person unless required by law. The designated person will notify the superintendent or designee whether 30 percent of the signatures were obtained, but will not provide additional information unless required by law.

The superintendent or designee and the person designated to review the petition will have 30 business days to verify that the required information is present. If the information is complete, the Board will set a date for the election to take place.

The ballot will include the existing union, the union(s) challenging representation, and an option for a teacher to vote for no union representation. The election will be conducted in accordance with the process detailed in this policy.

### **Election Expenses**

All actual expenses of the election will be divided between the district and the union(s) seeking to represent the district teachers. "Actual expenses" include the additional costs

incurred in running the election, such as the printing costs for notices and ballots, the costs of renting machinery, the costs incurred in providing poll workers other than observers and the costs incurred in providing necessary security at the election, as determined by the district. The district may require the union(s) to pay the district the union's proportional share prior to incurring costs.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted:

Revised:

Legal Refs: Mo. Const. art. I, ' 29

" 105.500 - .530, RSMo.

*Independence - Nat'l Educ. Ass'n v. Independence Sch. Dist.*, 223 S.W.3d 131  
(2007)

U.S. Const. amend. I

Orearville R-IV School District, Slater, Missouri

## **TEACHER NEGOTIATING REPRESENTATIVES** ***(Exclusive or Multiple Representatives)***

Unless otherwise governed by law, the Orearville R-IV School District will use the following process to recognize a union to represent teachers for collective bargaining purposes. The superintendent or designee is authorized to make additional rules governing the election process as needed.

All employees other than teachers must apply for certification of their employee representative with the State Board of Mediation in accordance with law.

### **Initial Recognition**

The Board will not voluntarily recognize an organization, association, union or professional group (a "union") as a representative for district teachers without a secret ballot election. To request an election to select a union, a district teacher must first submit to the superintendent or designee:

1. A description of the bargaining unit requesting representation. The description will include the general classifications of employees sought to be included and excluded and the approximate number of teachers in the proposed bargaining unit.
2. The name of the union seeking recognition as the representative and the name, address, e-mail address and telephone numbers of the union's contact person.
3. A petition requesting an election by secret ballot signed by at least 30 percent of the district teachers in the proposed bargaining unit. No signature can be older than six (6) months from the date the petition is submitted to the superintendent or designee. The petition will be submitted in a sealed envelope separate from the other required information and labeled "Petition."

Once the superintendent or designee receives such a request, he or she will post notice of receipt of the request in the same location that notices for Board meetings are posted. The notice will set a date no earlier than 20 business days from the first date of posting for teachers interested in representation by a different union to submit a request as described in the "Other Interested Unions" section of this policy.

The superintendent or designee and the contact person for the union seeking recognition will identify a person mutually acceptable to both the district and the union to review the petition. The person will not be an agent or representative of either the district or the

union. The superintendent or designee will provide the designated person a list of names of district teachers meeting the definition of the proposed bargaining unit. The envelope labeled "Petition" will remain sealed until the designated person opens it to verify that signatures from at least 30 percent of the teachers in the proposed bargaining unit were obtained. The designated person will not disclose the petition, which employees signed the petition, or the total number of employees who signed the petition to any person unless required by law. The designated person will notify the superintendent or designee whether 30 percent of the signatures were obtained, but will not provide additional information unless required by law.

The superintendent or designee, and the person designated to review the petition, will have 30 business days to verify that the required information is present and to examine the description of the proposed bargaining unit. The superintendent or designee will notify the contact person for the union seeking recognition of any missing information, so that the problem can be corrected immediately.

If the information is complete, the superintendent or designee will submit to the Board a written recommendation on the appropriateness of the bargaining unit description and a list of the district teachers who would belong to the unit, if formed. If the superintendent or designee determines that the description is appropriate and the Board agrees, the Board will set a date for the election to take place.

If the superintendent or designee determines that the proposed bargaining unit is not appropriate, the Board will set a date and time for a public hearing on the issue, unless the district and the union agree that a hearing is not necessary to resolve the dispute. If a hearing is held, the contact person for the union seeking recognition will receive notice of the hearing. The superintendent or designee and the entity seeking recognition will have an opportunity to present witnesses and arguments. The Board will make a determination as to the appropriateness of the description of the proposed bargaining unit within ten (10) business days of the hearing. The Board's decision will be final.

If the description of the proposed bargaining unit is not approved, a district teacher may submit a revised description. The superintendent or designee will provide the designated person a list of names of district teachers meeting the revised definition of the proposed bargaining unit so that the designated person can determine if signatures from at least 30 percent of the teachers in the revised proposed bargaining unit were obtained. If so, the superintendent or designee will submit to the Board a written recommendation on the appropriateness of the proposed bargaining unit, as described above. If the appropriate number of signatures was not obtained, the teacher must resubmit the request for an election as described above.

## **Other Interested Unions**

Once the district has posted notice that a request has been made to select a union or to change union representation, any teacher interested in being represented by a different union may submit a request to the superintendent or designee. The teacher must submit the same information as required above for initial recognition, except that only ten (10) percent of the teachers need to sign the sealed petition. All information must be submitted to the superintendent or designee no later than the date set in the district's posted notice. The Board will delay setting a date for the election until the information is reviewed by the superintendent or designee and the person designated to review the petition. If the request was submitted before the deadline and at least ten (10) percent of the teachers in the bargaining unit signed the petition, the union will be listed on the ballot.

## **Multiple Representative Unions**

If completed and timely requests are received for representation from different unions for the same bargaining unit, the district may need to hold more than one (1) election.

In the first election, the teachers will be asked to decide among:

1. Exclusive representation, in which only one (1) union will represent the teachers in collective bargaining;
2. Multiple representation, in which two (2) or more unions will be allowed to represent the teachers in collective bargaining; or
3. No representation, in which teachers decline representation from any union for collective bargaining purposes.

If any choice receives a majority of the ballots submitted, that choice will prevail once the Board has voted to certify the election results.

If the majority of the ballots submitted in the first election select exclusive representation, another election will be held for the proposed bargaining unit to determine which union will represent the unit, if any.

If the majority of the ballots submitted in the first election select multiple representation, another election will be held. If the district has received a completed and timely request for representation by any union, that union will be listed on the ballot as well as an option where a teacher may vote not to be represented by any union. All unions that receive at least 30 percent of the ballots submitted in the second election will be considered

representatives of the bargaining unit once the Board votes to certify the election results. All negotiations will be held simultaneously between the district and all representative unions.

If the majority of the ballots submitted in the first election select no representation, the process is complete. A petition requesting another election will not be accepted by the Board for a minimum of one (1) year after the Board voted to certify the results of the previous election.

If none of the choices receive a majority of the ballots cast in the first election, the Board will assume that district teachers are not sufficiently interested in being represented by multiple unions. The Board will set the date for an election in which the bargaining unit will select a union as an exclusive representative or decide not to be represented by any union.

### **Conducting the Election for Representation**

The Board will approve the ballot language after receiving recommendations from the superintendent or designee and any union that will appear on the ballot. All ballots will include an option where a teacher may vote not to be represented by any union.

The superintendent or designee will provide notice of the election in writing, electronically or otherwise, to all teachers in the proposed bargaining unit. In addition, the superintendent or designee will post notice of the election at the superintendent's office and in all instructional buildings in the district no less than ten (10) business days prior to the election.

The notice shall contain:

1. The date, hours and place of the election.
2. A copy of Board policies and regulations regarding the election of a teacher representative.
3. A description of the proposed bargaining unit.
4. A sample ballot with ASample@ clearly marked on its face.

The election will be held in one (1) or more polling places reasonably convenient to the teachers voting and at times when the teachers in the proposed bargaining unit may vote without leaving their assigned duties. The election will be conducted by secret ballot. The



superintendent or designee will appoint one (1) or more district employees or other persons who do not belong to the proposed bargaining unit, or to any union listed on the ballot, to check the names off of a list of all teachers in the proposed bargaining unit, and distribute and collect the ballots.

The superintendent and each union seeking recognition will select observers so that there is one (1) observer representing the district and one (1) observer from each union at each polling place during the election. Any observer may challenge a teacher=s eligibility to vote. Challenged ballots shall be folded and placed in a sealed envelope with the name of the voter plainly written on the outside. Challenged ballots will not be considered unless the votes could affect the results of the election. If the ballots might affect the results of the election, the challenged ballots will be presented to the Board for a determination.

Ballots will not be tallied until after the posted time for closing the polls, unless all eligible voters have cast their ballots. The ballots will be tallied by the superintendent or designee in the presence of designated observers from the district and the union(s) listed on the ballot. Tallied ballots will be placed in a sealed envelope and saved until all objections are resolved and the Board votes to certify the election results. The tentative results will be recorded in writing and signed by the observers present when the ballots were tallied. The results will remain tentative until the Board votes to certify the results.

Within ten (10) business days after the votes are tallied, any district teacher may file with the Board an objection to the conduct of the election or conduct affecting the results of the election, which shall contain a statement of the reasons for the objection. A copy of the objection will be provided to all members of the Board, as well as the contact person(s) for the union(s) seeking to represent the proposed bargaining unit. The superintendent or designee will investigate all claims.

Unless the district and the persons objecting to or challenging the ballots agree otherwise, the Board will hold a hearing for all objections received and for all challenged ballots if the challenged ballots might impact the election. If a hearing is held, the contact person(s) for the union(s) seeking recognition and the person(s) filing the objection or challenging the ballots will receive notice of the hearing. The superintendent or designee, the person(s) who filed the objection and the person(s) challenging the ballots will have an opportunity to present witnesses and arguments. The Board will make a decision within ten (10) business days of the hearing. The Board=s decision will be final.

The final results of the election will be presented to the Board after the time for filing objections has expired or the Board has made a decision on all objections and, if necessary, challenged ballots.

## **Election Results**

Unless the district's teachers have decided to allow for multiple unions to represent them, a union will become the bargaining representative if it receives a majority of the votes cast, once the Board has voted to certify the election. The following rules apply to the election results in elections in which employees are asked to select a union to represent the bargaining unit. The rules for the determination of whether the bargaining unit will be represented by multiple unions are addressed in the "Multiple Representative Unions" section of this policy.

An inconclusive election is an election in which the ballot provides for not less than three (3) choices, including at least two (2) unions and an option for no representation, and where no choice received a majority of the ballots cast. When the results of an election are inconclusive, the Board will set a date for a runoff election as described in this policy. Unless otherwise directed by the Board, there will only be one (1) runoff election.

A null election is an election where all choices received an equal number of votes, or where two (2) choices received an equal number of votes and a third choice received a higher, but less-than-majority vote. When this happens, the Board will declare the election a nullity and set another date to run a new election. If the second election results in another nullity, the Board will dismiss the petition and a bargaining unit will not be formed. If the second election results are inconclusive, a runoff election will be held.

Where two (2) or more choices receive an equal number of votes, another receives no votes, and all eligible voters have voted, neither a runoff nor a rerun election will be conducted. The Board will vote to certify the election results. Because there is no winning choice, no change is made in current district practices.

Once a final decision is made regarding representation of a bargaining unit, a petition requesting another election will not be accepted by the Board for a minimum of one (1) year after the Board voted to certify the results of the previous election.

## **Runoff Elections**

The ballot in the runoff election shall provide for a selection among two (2) or more choices receiving the largest number of votes in the last election, the sum of whose votes aggregate at least one (1) more than half of the total votes cast. After voting to certify the first election, the Board will set a date for the runoff election. The election will follow the notice and election process detailed in this policy. All teachers in the bargaining unit may vote in the runoff election.

## Changing Representation

Any teacher in the bargaining unit may request to change the representative(s) of the bargaining unit. The Board will not accept such a petition until a minimum of one (1) year after the Board voted to certify the results of the previous election. A district teacher must submit to the superintendent or designee the following:

1. The bargaining unit for which representative change is sought.
2. The name of the union seeking recognition and the name, address, e-mail address and telephone numbers of the union's contact person.
3. A petition requesting an election by secret ballot signed by at least 30 percent of the district teachers in the bargaining unit. No signature can be older than six (6) months from the date the petition is submitted to the superintendent or designee. The petition will be submitted in a sealed envelope separate from the other required information and labeled "Petition."

Once the superintendent or designee receives such a request, he or she will post notice of receipt of the request in the same location that notices for Board meetings are posted. The notice will set a date no earlier than 20 business days from the first date of posting for teachers interested in representation by a different union to submit a request, as detailed in the "Other Interested Unions" section of this policy.

The superintendent or designee and the contact person(s) for the union(s) seeking recognition will identify a person mutually acceptable to the district and the union(s) to review the petition. The person will not be an agent or representative of either the district or the union(s). The superintendent or designee will provide the designated person the names of district teachers in the existing bargaining unit. The envelope labeled "Petition" will remain sealed until the person designated opens it to verify that signatures from at least 30 percent of the teachers in the bargaining unit were obtained. The designated person will not disclose the petition, which employees signed the petition, or the number of employees who signed the petition to any person unless required by law. The designated person will notify the superintendent or designee whether 30 percent of the signatures were obtained, but will not provide additional information unless required by law.

The superintendent or designee and the person designated to review the petition will have 30 business days to verify that the required information is present. If the information is complete, the Board will set a date for the election to take place.

The ballot will include the existing union(s), the union(s) challenging representation, and an option for a teacher to vote for no union representation. The election will be conducted in accordance with the process detailed in this policy.

### **Election Expenses**

All actual expenses of the election will be divided between the district and the union(s) seeking to represent the district teachers. "Actual expenses" include the additional costs incurred in running the election, such as the printing costs for notices and ballots, the costs of renting machinery, the costs incurred in providing poll workers other than observers and the costs incurred in providing necessary security at the election, as determined by the district. The district may require the union(s) to pay the district the union's proportional share prior to incurring costs.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted:

Revised:

Legal Refs: Mo. Const. art. I, ' 29  
" 105.500 - .530, RSMo.  
*Independence - Nat'l Educ. Ass'n v. Independence Sch. Dist.*, 223 S.W.3d 131  
(2007)  
U.S. Const. amend. I

Orearville R-IV School District, Slater, Missouri

## EMPLOYEE WALKOUTS, STRIKES AND OTHER DISRUPTIONS

The Board is committed to peacefully resolving labor issues, but will not hesitate to act if district operations or the student learning environment are disrupted. No employee shall engage in any strike, walkout, work slowdown, stoppage or interruption of work, work-to-rule, boycott, refusal to cross any picket line, sit-down, picketing, sick-out or any other practice that disrupts the school environment or district operations. This prohibition includes sympathy strikes or other disruptive actions taken in support of a different bargaining unit in the district or elsewhere.

In the event of a disruption, the superintendent or designee is authorized to contact an attorney to seek court intervention, compensation or any other recourse in accordance with law. Any employee participating in disruptive acts will be deemed to have engaged in a serious violation of Board policy, will be considered excessively and unreasonably absent from duties, and may be terminated or otherwise disciplined. The Board may also seek revocation of an employee's license(s). Employees will not be disciplined for actions protected by law.

During a strike, work stoppage or other disruption of the district, all employees are prohibited from using paid or unpaid leave unless the leave is required by law or unless the employee provides evidence satisfactory to the district of the need for the leave. The Board also reserves the right to revoke previously approved vacation leave, personal leave or other optional leaves.

The superintendent or designee is directed to develop an emergency plan to be used in the event of a strike, work stoppage or other disruption to the educational environment. The superintendent or designee may reassign employees as necessary to keep schools operating and may hire replacement employees in accordance with law. If necessary, the superintendent may close schools with the understanding that all educational facilities will be reopened as soon as practical.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted:

Revised:

Cross Refs:   GBCB, Staff Conduct  
                  GBCBC, Staff Absences and Tardiness  
                  GCBDA, Professional Staff Short-Term Leaves  
                  GCPE, Termination of Professional Staff Members  
                  GDBDA, Support Staff Leaves  
                  GDPE, Nonrenewal and Termination of Support Staff Members

Legal Refs:   Mo. Const. art. I, ' 29  
                  " 105.500 - .530, 168.114, .116, RSMo.  
                  *Independence - Nat'l Educ. Ass'n v. Independence Sch. Dist.*, 223 S.W.3d 131  
  (2007)  
                  *Willis v. School Dist. of Kansas City*, 606 S.W.2d 189 (Mo. Ct. App. 1980)  
                  U.S. Const. amend. I

Orearville R-IV School District, Slater, Missouri

