MACHINE TRANSCRIPT · CORAGGIO CONSULTING

# Fairfax County School Board Work Session, Tuesday, February 28, 2023

| | |
|---|---|
| Date | Tuesday, February 28, 2023 |
| Place | Fairfax County School Board, Virginia |
| Length | 1h 6m (video) |

- Official meeting video (YouTube): https://www.youtube.com/watch?v=KQdUEN3sCGg
- Official School Board page (FCPS): https://www.fcps.edu/about-fcps/leadership/school-board

> Machine transcript (speech-to-text) produced by Coraggio Consulting. Not an official county record. Names and numbers may be misspelled; check the video at the timestamp before quoting.

Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-11-04. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

**[00:00:05]** Thank you, everybody. We're going to go ahead and get started. We have quorum. My apologies for the delay in starting our work session. Before we start, very quickly, we need to certify our closed session. So in order to comply with section 2.2-3712D of the Code of Virginia, it is necessary for the board to certify that since the Fairfax County School Board convened a closed meeting on February 28, 2023, to the best of each member's knowledge, only public business matters lawfully exempted from opening requirements and only such public business matters as were identified in the motion convening the closed meeting were heard discussed or considered by the board during the closed meeting. Do you have a motion?

**[00:00:40]** Dr. Anderson, segue by Ms. Lamesh. All those in favor? That is unanimous with Mr. Frisch, Ms. Marin, and who else is missing? Ms. Tolan and Ms. Dernick-Koufax. Oh, she's right there. Never mind.

**[00:00:56]** Ms. Tolan away from the table. Thank you for your help, Dr. Anderson. One more thing. Mr. Frisch has submitted a written request to virtually attend today's meeting due to a medical conflict. All those in favor allow Mr. Frisch to virtually attend. Again, that is unanimous with Tammy and Megan. Are you good with Mr. Frisch participating? Yes, with Ms. Toland and Ms. Marron away from the table.

**[00:01:18]** I will turn it over to staff to walk us through our presentation on collective bargaining and then we'll go to board questions. Thank you. Good afternoon, Madam Chair, and thank you. I understand we all

have a hard stop because we have another joint meeting this afternoon and so we'll go through the presentation quickly.

[00:01:35] We have a lot of slides, and so I'm just giving you a heads-up that we will be going through some of the slides a little more quickly. Many documents are posted. I do want to take the opportunity to introduce, again, Dr. Sherry Wilson, who is our Assistant Superintendent for Human Resources, and Ms. Lydia Martinez, who is our Director for Labor Relations for Fairfax County Public Schools.

[00:01:58] So, next slide. So to give a little bit of background, this is an opportunity for Fairfax County Public Schools to introduce collective bargaining to the greater public. We've been working on collective bargaining for quite some time.

[00:02:15] And with that, we're now at a point where we're sharing the resolution with the community and engaging the board in a public work session to talk about collective bargaining. A little bit of background. In 2020, the Virginia Assembly took the actions to allow boards to enter collective bargaining.

[00:02:33] This board was the first to publicly assert the intent to allow collective bargaining in the state of Virginia. And so at the request of our school board, we initiated a process following an interest-based model where we certainly consider the best interests of both parties, of all parties involved, toward developing a resolution.

[00:02:57] We invited our certified employee associations to participate in the development of this resolution and then appointed a workgroup to prepare the resolution that we're bringing forward today. We have some definitions there that we'll hit on.

[00:03:13] Again, we have many definitions that are included in the resolution, But again, collective bargaining is to perform the mutual obligation of the Board by its representatives and exclusive representative employees to meet and negotiate in good faith. And we'll talk a little bit more about negotiating in good faith.

[00:03:29] We're going to talk about bargaining units today, and a bargaining unit is, again, that group of employees sharing those sufficient interests to be considered one unit moving forward. And then the exclusive representative, the representative would be the association or union who would be the exclusive representative for that entire bargaining unit.

[00:03:50] Here's a high-level process to date, and again, because of time, I'm not going to go through line by line. I talked about in 2020, the Virginia Assembly allowed school boards to enter into collective bargaining. I think what's important to note here is that this board has been actively involved and engaged in this process, meeting with employee associations at the outset, having meetings not only with our associations, but also with the board of supervisors, and then asking the superintendent to convene a workgroup

[00:04:22] who met from September 21 to August of 22 with over 23 meetings and 61 hours of work. the work group reached consensus on the draft resolution that we have before the board today and we submitted that resolution on the 15th of december and then we reconvened on the 15th of february to reaffirm the language of the draft resolution i do want to thank members of the collective bargaining work group who are here in the room today we have employee representatives as well as staff representatives i also want to thank our office of division council for their

[00:05:01] work in marshaling through this process. You'll note also on the screen joining us remotely is Stan Damis who was a consultant who again helped facilitate this process. We wouldn't have this resolution without all the individuals who I've just mentioned and all the individuals who are on the screen behind me. I also want to note that our former assistant super interim assistant superintendent for human resources, Sean McDonald, played a key role in helping us get to this point today. Again, there are 15 sections to the collective bargaining resolution. Those that

[00:05:39] I've highlighted in bold are the sections that we'll be going through this afternoon. As collective bargaining is a focus on employees, we start with our employee rights. And so again, it's important to note that our employees will have a variety of rights as part of collective bargaining, one of which will be the ability to have informal conversations and interactions about workplace and organizational issues while on duty. Of course, our employees will have the ability to use our electronic communications email to discuss employee association business

[00:06:14] or activities. Very importantly, our employees shall be free from intimidation or coercion for exercising their rights under this resolution. There's a lot of that built into the resolution. And lastly, to engage in or refrain from collective bargaining and related activities through an exclusive bargaining representative. So again, our employees may engage in collective bargaining, but it's not a shall engage in collective bargaining. It's important to have that freedom. We also want to spell out and have spelled out clearly our management rights as part of the resolution. It's important to note that this resolution does not diminish the

[00:06:54] authority of the school board to carry out its duties and responsibilities. And we've highlighted it a few of those duties and responsibilities, but it's important to note that Article 8, Section 7 of the Constitution of Virginia shares that boards have unique responsibilities, and this does not take any of that authority away from this board.

[00:07:17] It's important to note that the board management will also be able to determine the type and scope of work to be performed by school board employees, direct the work of employees, and the extent authorized by law relieve employees from duties, layoff or other reduction in force.

[00:07:35] Those duties and responsibility of the board will remain intact even after we get to a point of collective bargaining being part of the culture of Fairfax County. Another very important piece, and we'll be joining with the Board of Supervisors this afternoon, it's part of the budget process.

[00:07:54] The board maintains its right to establish and adopt a budget and appropriate funds. That's an extremely important part of this process and uh any collective bargaining agreement that is agreed upon that goes beyond any given year uh it's important to note that um uh given the funding that we get from our funders the board of supervisors uh any agreements would be contingent upon that funding uh and then uh here the other piece is very important that in times of emergency if we remember the most recent emergency that we're emerging from with covid uh if we were

[00:08:29] had had a collective bargaining agreement in place at that time any changes that we made to compensation or working conditions we would have engaged in conversations with our employee associations and unions but the board maintains the right to make adjustments based on those emergencies and then of course you talk about the rights of our exclusive representatives And it's important to note that while a bargaining or exclusive representative would be able to represent the rights of a bargaining unit member, they must actually represent all rights

[00:09:08] of that bargaining unit, regardless of membership within that particular association or union. Of course, our representatives will be provided the list of members for new hires and would have access to our communication systems to engage in conversations about the work of the Union again the exclusive bargaining representative would have the ability to determine to determine dues deductions it's important to note that while Fairfax County Public Schools would facilitate that dues deductions through a payroll process that we would not be involved in the establishment of

[00:09:48] of those dues for bargaining unit members. And of course, our exclusive representatives would be able to be involved in any complaint resolution where employees would be able to reach out if there were questions with regard to provisions within the collective bargaining agreement, and then would also be able to intervene and be present in any meetings, grievances, hearings, or disputes.

[00:10:15] So I'm going to talk about the recognition of our exclusive representatives, and there's a bit of a process that we'll go through, But at the end of that process, the process to become an exclusive representative is initiated by petition, and we'll talk a little bit about that. And then at the end of that process, the board would then certify those units, and then that bargaining agent would be the exclusive representative to all employees within a particular bargaining unit.

[00:10:43] And again, we'll go through that process, we'll go through the process of identifying a labor Relations Administrator who would be responsible for managing that process, but this just gives you a high level of where we'll be at the end. As you can see the Labor Relations Administrator would verify support to be on the ballot, the LRA would approve those associations to go to election, and then at the end the board would certify the election and recognize exclusive representative, and that would be the path for any group to be an exclusive representative. Let's

[00:11:19] back up one slide there we go. We've talked about bargaining units and the three bargaining units that we've set forth in the resolution are our licensed instructional staff. I won't go through all of those who are on the list there but again we have attached the full list of bargaining unit schedules so that you can see which units would be part of or which employees and positions would be part of which units. We also would have a unit for our operational employees and then we would have a unit for our administrators and supervisors. Those excluded from bargaining would be our

[00:11:57] confidential employees and our substitute and temporary employees for Fairfax County Public Schools. Those would be our hourly employees not to be confused with our contracted hourly employees who are our bus drivers and food service food nutrition service employees and again that that it's easy to remember as we go into collective bargaining and think about contracts those individuals who are contracted would be eligible for to be part of a bargaining unit i talked about the administrator the administration of labor relations we will be working lydia and

[00:12:35] her team will be working to engage a labor relations administrator in common parlance it's what we would think of as a mediator it's a neutral party who would not be connected to our labor unions or FCPS employees. And they would be important in our process to help us decide issues regarding inclusion or exclusion from bargaining units. They would oversee the conduct of certification and decertification of elections. Again, they are that neutral party that would

[00:13:07] provide important guidance to our processes. So as we talk about the process for certification of bargaining representatives, it's important to note that the association must demonstrate support by at least 30% of a bargaining unit in a petition to be certified. And so that 30% would then sign through

signatures to say that we would like this employee association to represent us, and that 30% would allow them access to the ballot. If we would have another association

[00:13:45] who could gain that 30 percent, once we let the employees know that organization A has achieved 30 percent, another unit would have another 21 days to say that they would like to have access and be on the ballot so that employees could vote for their representation as well.

[00:14:06] And then again, to determine who the exclusive representative will be, we would have an election that would be administered by the LRA. Again, the choices on the ballot would be the name of the employee association and any employee association that has intervened.

[00:14:30] We would also have the choice for no representations. our employees, it wouldn't be a forced choice, but our employees would have the ability to say that we would like this group to represent us or no representation. Again, it's a majority of votes cast by secret ballot. The board must certify those results and recognize the appropriate unit to represent, the appropriate representative to represent a bargaining unit. And all employee associations would have equal access to our employees during campaign activity. And just as

[00:15:04] would be a process to certify a representative there is a process to decertify so if an employee a group of employees felt at any point that their representative was no longer representing their rights with at least 30 percent of that bargaining unit wanting decertification they would then petition the Ms. Martinez's office who would work with the LRA to begin the process of decertification. There would be a vote for decertification and then that group could reach

[00:15:41] out and work with any other employee association to represent them. So again we have a process for certification and if at any point again a group of employees at least 30 percent feel that they're not being represented, they could move for decertification of that particular representative.

[00:16:03] We talk about good faith bargaining, and there are topics on the table that we would address as part of good faith bargaining. There are mandatory topics, which would be wages, hours, benefits. We call that compensation and benefits, and up to one working condition selected by each party.

[00:16:20] additional topics may be negotiated if agreed to by both parties. There are those permitted topics which again would fall into those additional topics that would be agreed upon by all parties and then there are prohibited topics which are matters that are controlled by federal state or county regulations. When we think about collective bargaining we often think about strikes and it's important to note that pursuant to code and I will say this all code section 40.1 1-55 strikes are illegal in the state of Virginia, and any employee who would work in concert

[00:16:59] with two or more other such employees who would want to engage in a strike or a type of work walkout would then have indeed terminated their employment with Fairfax County Public Schools and would be ineligible for public employment for 12 months.

[00:17:21] There are some prohibited practices that all parties need to know and understand that it's prohibited to failure to refuse to negotiate and by good faith or in good faith by parties is a prohibited practice. No dominating or interfering with the administration of an employee association, no interfering with or coercing.

[00:17:41] We've talked about that quite a bit that employees may choose to be part of collective bargaining or they may choose not to be and there can be no coercion. There can be no refusal to actually create a written document in terms of our CBA.

[00:17:58] And failure of an exclusive employee representative to fairly and without discrimination represent a member of the bargaining unit within the scope of bargaining. So if I'm a representative for a group of employees, I cannot discriminate with any of those employees within that particular group.

[00:18:17] we talked about the work group coming together for quite a bit of time and after presenting the resolution to the board the the the board made some revisions for clarification i've gone through those sections previously but i just want to highlight that section three our management rights we made some changes where we more fully enumerated the rights retained by fairfax County Public Schools. Section six, those employee bargaining units, we've attached an updated bargaining schedule. It's very different from the one that was posted earlier, so it does highlight

[00:18:56] those individuals and those particular groups. We talk about good faith bargaining, and the board added some language to modify to more precisely describe the budget process. And then for section 12 with strikes, the reference to the Virginia code was added, which is why I shared that in this presentation, and additional language was added to talk about work stoppages to make sure that our employees understood that strikes are one thing, but work stoppages and work slowdowns would also be included.

[00:19:28] We have a general bargaining timeline, which shows not necessarily for this year, but year over year, this is when certain things would occur. So by September 1st, negotiated requests with budgetary or financial implications would be initiated and requested by november one we would have an agreement in principle for those items coming forward for uh the superintendent to consider placing into the budget and the board to consider uh february one we would uh again have a better sense of where our funding from the board of supervisors would be and what may have to go back to the table to make some amendments

[00:20:03] to uh initial requests and then lastly june 1st would be the timeline for items raised for negotiations that didn't have a significant budgetary impact but could be agreed upon that might be a working condition with no budgetary impact and there are of course best practices that are important to make collective bargaining work for all of us in fairfax county that employees shall expect privacy regarding the union support management cannot ask lydia are you going to join a union what union are you joining we cannot do that all employees in a supervisory

[00:20:41] role should familiarize themselves with the collective bargaining agreement. The collective bargaining agreement shall remain unchanged, and so managers and program managers can't make changes or adjustment to the agreement. All that happens through negotiations.

[00:20:56] And before changing or modifying, managers must ensure that the working condition is not covered. So, my former principal hat on, if I wanted to have a staff meeting after hours, and if The CBA said that staff meetings should occur within these particular hours.

[00:21:13] I couldn't then go outside of that collective bargaining agreement to have staff meeting outside of those hours. Again, we have some other best practices that we've noted here. It's important to note that there are questions of management for collective bargaining, that all of those questions should go through

our Labor Relations Office, that we would have one point of contact for those questions, and that managers would ensure that all of our employees are treated equally. And then lastly for our next steps, we would certainly be waiting for board approval on the collective bargaining resolution on the 9th of March.

[00:21:52] We would then be working to help the board with the appointment of the labor relations administrator and then the associations would file for a request for certification as exclusive representatives. We have a variety of resources available that are posted on our website and And then more details for employees are available on the employee hub and the employee communications are ongoing.

[00:22:16] I've actually just reviewed a magnificent video that will go out. It's a great explainer for collective bargaining that's ready to go once the board votes. And we have a variety of staff training opportunities for our program managers on their rights and responsibilities during collective bargaining.

[00:22:34] And before I turn it over to questions, and I think that this is the quickest that I've gone through this presentation in the few days that we've been working on it. Before we go to questions, it's important for everyone to understand that this resolution is the kickoff point for our work. And it's important for everyone to also understand that this is not a contract. This is not a collective bargaining agreement. This is merely the resolution that allows the work to begin. And with that, we are here for questions.

[00:23:06] you Marty and I really appreciate you speeding through that since our time is limited and because of that I'm going to ask to beg my colleagues indulgence to have our questions of two minutes and if we have time to go back we will. So with that I will start with Dr. Anderson. Yes, Ms. McLaughlin. Yes, I just have a process question. I know because we are time limited going to see the Board of Supervisors, if we could just still stick to three knowing that we're gonna have to come back. I mean otherwise... I don't think there's a space to come back to a work session so we'll just have to do it at the board table when we vote okay we'll just we'll do we can do three minutes if you guys are okay that

[00:23:45] we'll do three minutes then today because I don't won't be time to come back so we'll go ahead and go with three minutes I want to make sure it has there has enough space to be heard and have their questions answered so dr. Anderson then right Miss Corbett Sanders thank you just jumping in one of the conversations we had quite a bit when it came to the list of employees that were enumerated were about family liaisons on page eight I don't see that can you give some explanation to that but I do want to say I do see it in this listing but why is it not on page 8 as I know I have brought up in several others as a point of advocacy we can certainly add that list of employees I know that

[00:24:21] we've said that we will ensure that that that for the resolution and for this presentation that's been updated for our contracted family liaisons they are noted in the bargaining schedule. By which date will you add it in the resolution itself because we've been here before. We will make that change and we will work to add that before the vote. Just a full disclosure if it is not at that point that will be an amendment that I will be bringing forward. Thank you. I want to talk about this operational unit page and again just

[00:24:59] using that as an example if I look at the family is on it says 67 that means 67 individuals and that work group will be covered by the resolution correct that is correct okay can you speak a little bit in terms of what are the implications for individuals who are not represented by any bargaining units so so for individuals that are not they can you be a little more specific in terms right um i just want to be sure

that there's clarity that whatever that the groups determine it will then apply to that job classification even if they're not a member of the

[00:25:36] of the association. Yes, and so bargaining unit versus the association. So there there will be a bargaining unit. So all of our employees will be part of a bargaining unit. But if you're not a member of the particular union or association that might be your exclusive representative, you would still retain the rights of whatever collective bargaining agreement comes out of negotiations. Okay, thank you. You talked a little bit in terms of the process to find to have the labor relations but not the process of selection can you speak about that a little bit in terms of the labor relations administrator so in terms of the labor relations administrator and i can

[00:26:15] let miss martinez uh talk a little bit about that we we have um there are individuals and organizations in this space this is the work that they do and so we would engage with those organizations uh no i guess what i'm asking is who is going to be responsible for selecting them is it staff is it in collection with the groups or is it just you staff staff would work to identify the LRA and then bring that back to the board for approval just a number of highly qualified with their the criteria for each one thank you you kind of mentioned it a little bit in your

[00:26:55] presentation as in regards to what the impacts are going to be at the school site like principals couldn't decide to have a meeting. When can we anticipate that all of those regulations that will come from this resolution will be in place? So as we think about what will have to happen, some of that then depends upon the CBAs that come out of negotiations themselves for clarification specificity. So we'll be in the process, given that this is our first year with collective bargaining, of having another review of our regulations, even those that have

[00:27:31] recently updated to ensure that they do not run afoul of our collective bargaining agreement so there's a process that will be ongoing for that so i don't have a date specific but we will be doing that in concert so it will be after the entirety of the initial meetings the certifications etc there'll be that piece of it and and we're engaging in some of that work now to identify you know what practices that we are currently engaged in that may go by the wayside there is currently a 4510 meeting by regulation where school board meets with employee associations

[00:28:07] we would imagine that that might go away in sunset and so we would be taking regulation 4510 and sunsetting as we started to engage with the cba and collective bargaining to keep the board out of that direct engagement okay just a couple of more things before my time expires as we engage in this conversations from the very beginning, my advocacy had been, let us begin with three units because we do not know how to do collective bargaining in this Commonwealth. So that gives us a reasonable number to begin with until we have our feet under us. It was never that this

[00:28:46] would be where this would end. Has that been part of the communication with the work group, that it wasn't going to be three and done forever, but just three to start? So that was part of the conversations overall within the workgroup.

[00:29:01] When I highlighted the process, it's important to note that process for decertification because that would be the process or a process by which if a group of employees felt that their needs weren't being met by their exclusive representative, they would be able to begin that process for decertification.

[00:29:19] So that has been part of the process, which is why we built it into the resolution. Okay. make sure that that's articulated because I know we've all been very present to what has been shared at the regular board meetings from our bus drivers and their concerns and they're wanting to have a fourth unit. I know this is not what is here but there's space for there to be future consideration if this ends up being the resolution that passes. I just want to be sure that we were being sensitive to the need that they've articulated. Yes we are not locked in. And the last thing that I want to have some information be shared about as the work group manage what is it that we're going

[00:29:56] to do what their recommendations were can you share some of the group's feedback as to why they wanted to land on three instead of four since i believe you know maybe how the group voted on that on that issue so it would be hard to encapsulate all those discussions that we had in a very brief brief uh i'll give you my seconds if that helps but but we but uh there was lots of back and forth on three and four uh i think finally at the end of the day it was important it was very important for for uh the work group to bring a resolution forward to the board and as part of any negotiation

[00:30:36] uh there's compromise and so at the end of the day it was important to to bring the the resolution forward to the board for discussions so that we could start having these discussions uh and uh individuals made choices based on working with their uh uh membership uh to come back to the table uh for consensus on the three units and how did the group end up voting on that one piece for three units unanimously there was 80 percent we had everyone sign off unanimously on the three

[00:31:10] units. And as I said on the 15th, we came back and the group reaffirmed its previous recommendation. Thank you, Dr. Anderson. Thank you, Mr. Smith. Ms. Corbett Sanders? Yes, thank you, and thank you to all the people that got us this far. And as you eloquently said, Mr. Smith, this is really the beginning of the process, not the end. I would like to particularly thank you for something that I had advocated for, which was ensuring that we operated with the mindset of one Fairfax

[00:31:48] and that we have the management rights clearly detailed in this as well as the timeline which meshed up to our budget process. So thank you very much for that. Additionally, I wanted to just very briefly talk to you about two things, or actually three.

[00:32:05] on the decertification process, I will be advocating that we actually clarify how that decertification process could be utilized if there was an intent to have more than three bargaining units in the future, and that it's not just decertifying and putting in another group that you could possibly reconstitute that makeup. And so I will be advocating for some clarity in a follow-on motion for that. Second piece, you talked about interest-based bargaining, and I fully support interest-based bargaining. I think it's essential for us. But

[00:32:40] when I talk about interest-based bargaining, I mirror that with interest-based bargaining, student-focused. And so we need to remember that everything that we do is all about the success of our children in our schools. And so please keep in mind, and I would like it specified to both groups as they come to the table that our children are at the center of all interest here and if i need to make a follow-on motion i will but i hope that you get that and then finally on the exclusion

[00:33:16] piece can you be clear none of the leadership team or the hr senior leadership team or anybody else will be part of a collective bargaining unit so our any so basically we're bargaining up to the building level and some in central office and our operations yes and so there will be some leaders that are part of the administrators and supervisors group but those who would have access

[00:33:49] to employee information or access to the process are are part of the confidential list and they are not uh part of the bargaining unit the leadership team and senior leadership is part of that so if somebody could clarify and i went more than i wanted to who are those leadership team members if you can send me a list that are actually going to be able to be part of collective bargaining i'd like to know there are none okay you just used the term there are some leaders that's why i asked not leadership team but there are there would be some directors and some staff who are would be part of the administrative and supervisor group but they are not leadership team members okay

[00:34:28] thank you very much that's what i wanted to hear and i apologize miss sizemarheiser i tried to get to two minutes no apologies needed you're good miss corbett sanders thank you miss mclaughlin thank you um so i wanted to first begin by having um dr reed maybe speak a little bit to this just for the public's benefit um dr reed one of the things that um i and i believe many board members appreciated about your work experience before joining Fairfax County Public Schools is that you have engaged in this type of collective bargaining work in

[00:35:07] your former superintendencies so with that in mind could you speak a little bit about the resolution that's before us and you know just in terms of how we are setting ourselves up for success by moving forward with the resolution as

[00:35:27] Thank you, Ms. McLaughlin. I think that, number one, I think collective bargaining benefits our students and our staff. And I think if particularly with the ideals around interest-based bargaining, I think the collaborative work that the associations are able to do with division leadership is really important in problem-solving major issues that impact the class.

[00:35:59] And ultimately what happens in the classroom is the most important work in the division. So I think that, I know staff have spent a long time working on this. The 17 groups represented that were part of the process to get us this far, worked extraordinarily hard and collaboratively to get us this far.

[00:36:20] I know there are still some outstanding questions in terms of the three versus four and potentially in the, you know, down the road there might be five or there might be six. I don't know where the process will lead. But I think what's most important is that we share a common interest and that common interest is the health, education, and welfare of all of our students and staff.

[00:36:43] And I think collective bargaining, I'm looking forward to having the opportunity to support that work here and feel comfortable with the resolution as written. Thank you Dr. Reed. The other thing that I wanted to spotlight for our public because I think as we talked about this is the kickoff point and for people to understand what will this mean. One of the things that was important to the board is Ms. Corbett Sanders you cited when Fairfax and you know when I think about Fairfax County as a family we are one of two governing bodies the board

[00:37:20] supervisors as the other governing body and so certainly a desire for me not wanting to speak for any other board member was that we simply have a really close alignment with what each of the resolutions are saying so that we aren't getting ahead or not coming close enough to the responsibilities that we hold as the governing body as everyone knows we do not have taxing authority so in the And the Board of Supervisors are going to play a very key role when it comes to compensation because we can only provide the dollars we are given.

[00:37:59] But having been the daughter of a former teacher, I remember being in middle school when my dad and his colleagues were having to have these conversations about collective bargaining and making sure that, in this case, teachers were being provided competitive wages.

[00:38:19] And I know from my father and his colleagues, they did not take lightly about the risk of strike if you couldn't come to an agreement. And so, you know, I do hope that as we continue forward that our employees know how much our board, prior to collective bargaining, has always valued them and wanted to ensure that we provide the most competitive compensation possible, but it's always been within that challenge of we have limited funds, and when almost 90% of our operating dollars are going toward compensation,

[00:38:58] we are pretty close to every year doing the best we can for that compensation. So I do want to just give, in my final seven seconds, Thank every single employee who participated in this effort. I know it is an extremely long journey and a sacrifice of your time and efforts.

[00:39:17] And I hope you will feel honored by the board's steps going forward. Dr. Reed? Yes. Thank you, Madam Chair. I want to just as kind of a fine point to this part of the conversation indicate that we also are addressing the challenges of a changing workforce.

[00:39:39] And collective bargaining will provide a voice for all of our employees in each of their unique roles to assist us in collaboratively problem-solving the needs of our future, which is critical right now.

[00:39:54] And we know that when our staff have a voice and the voice is listened to when our staff feel seen, heard, and affirmed, as well as our students, that we're going to have a stronger ability to retain our staff here. that's critical right now in the workforce challenge we're facing. Thank you. Thank you.

[00:40:13] Ms. Cohen? Just ditto what Dr. Reed said. You know, I think that's the biggest piece to me is there is some idea in the public, which we've heard a lot over the last several years, the idea that the teachers say this, the teachers feel this way, you know, operational people feel this way. And we have, you know, 28,000 employees, I think, probably to try to gauge what a whole group of them feels at any time has always proved all of us on the school board, I think,

[00:40:49] working overtime to try to figure out what are the teachers saying? And I think many folks don't know that we have many different groups who represent our teachers, who represent some operational folks, there's some crossover, there's some, you know, muddy middle, there's, you know, all of the above. And so I really see this as a way to clarify what the process is of how we make sure that the people who need a seat at the table, who need to be able to speak on behalf of staff that they're representing, that they're the ones who get to begin those conversations.

[00:41:25] And at the end of the day, we still ultimately make the decision. But when you come to us and and you say this is where we are as a collective that we feel really confident because we know who's sitting at that table, we know who's advocating, and the employee groups themselves have chosen those people to be their voices.

[00:41:44] And that's huge, and it is markedly different than what we have been doing in the past in still trying to scramble in all of our capacities to have the most voices present at the table while we're making these. But instead of us prescriptively saying, this is what this is going to look like we're getting from the bottom people to say this is what we need the most this is what would make the biggest difference for our students this is what would make the biggest difference for our staff this is what would make the biggest

difference for our bus drivers and I think that is very important to a system that functions well and does uplift and support their employees and it also tends to serve as a way to not have

[00:42:23] wasteful expenditures that other people think are good for people that are not at all what they're asking for. So I'm very, very excited about this. Thank you again to the staff. I know what you guys have put into this. I have a glimmer into it, and it is a lot. And the 17 groups who kept showing up time and time and time again, thank you. This is so much better for all of the work that you guys have done. The one question that I had super fast is, I just wanted to ensure that the changes that we made how were those communicated to the group of 17

[00:43:00] and do you feel comfortable that they feel comfortable with where we are with this so i i can't speak for whether or not they feel comfortable we haven't heard anything about those changes but we did share ahead of the posting we shared those changes with the group and we know that that members of the group don't shy away from sharing their thoughts and I haven't heard anything from the groups as of those changes but we've been very clear about the minimal changes that were made again based on some of the board's interests. I think it'd

[00:43:36] be helpful for us to just have a thumbs up or thumbs down consensus if you can from those 17 groups before we walk up to the dais just because it makes sure that nobody kind of says oh no we didn't agree to that. We will bring the group back together for that thumbs up or thumbs down and bring that back to the board and share that through Dr. Rhee. Awesome thank you so much. Apar? Thank you and thank you to staff for your work on this and for the various partners that I know are in the audience many of whom spent long hours getting getting us here. I just have a couple of thoughts and perhaps

[00:44:15] concerns going into this. I know that we had some discussions around making sure there's a process for groups who in the in the future don't want to maintain the unit that they're part of and I know that you mentioned decertification but I want to I guess clarify a difference because you know decertification is a process for groups that no longer want a specific organization to represent them but that's different than a group of employees that want to have their own bargaining unit and so I wanted to kind of just hear where we landed on the work in developing language that I know the board majority was hoping would be

[00:44:55] reflected here to specify some understanding for folks in the future as to what they have to do. So I know that we are still working on some of that language. I don't have that language in front of me. We've seen some recommendations that we will certainly bring before the board before the vote but we're still working on some of that language that would allow the board to provide that room for additional bargaining units and again through the decertification process if there were decertification you could have a group

[00:45:30] pull out of a group that doesn't mean that the remaining employees wouldn't be able to then go with the the group that was represented representing them if a number of those employees felt that their voice wasn't being heard so there is a process for that it would be decertification and then a recertification going back to the LRA but we have some language and we'll make sure that the board gets that language. Yeah I want to be clear that in whatever we develop this currently we're saying the threshold is 30 percent of the entire unit right so that would mean 30 percent of the entire operational unit would have to say they want a new organization

[00:46:08] to represent them. That's highly unrealistic in trying to be fair to various groups even if the majority of that group wanted to break off right so I want to give some thought into whatever we developed to be focused on realistic for those employee groups. And we have, again, we have some language. We've seen some recommendations that we've been working on, and we'll make sure that we get that to the board well in advance that we have time to review that. Okay, so I guess in that case, we just have to be clear with our community that this may not reflect the final version. This

[00:46:44] is what I'm hearing. I believe that the resolution is complete. I know that the board had asked that we developed some language that could possibly be a follow-on motion. We're meant to outline a process for groups that want to form a new bargaining unit.

[00:47:08] Yes, and that would be a process that the board would outline as a follow-on motion to the resolution, but that it wouldn't be added to the resolution. I guess I'm confused about why, if we have a process for certification, process for decertification, all these things are within the resolution.

[00:47:31] Why would we not be transparent and put that process in the resolution? - So again, we are bringing the language forward that the board asks us to bring forward to consider as part of a follow-on motion.

[00:47:50] And if there were more discussions that the board would want to have, that would be part of a board discussion. Dr. Reed? - Thank you, Mr. Smith. Ms. Omesh, I think there is a draft for a follow-on motion. I think the reason we, 'cause you're correct, Originally there was a discussion about could we add language within the resolution.

[00:48:11] I think the reality is that we determined we would want to have Mr. Smith and the team go back and meet with the 17 again groups and actually walk through a thoughtful process to do that. And that wasn't going to be possible by the March 9th board meeting.

[00:48:28] And I feel like there was a tension between moving forward the collective bargaining process with this parallel process of coming up with to be answerable to the follow on motion to come up with a process that would enable certification of new units, but that that couldn't be accomplished in that timeline.

[00:48:49] So that's why it would not be included in the resolution, but it would be included on a follow-on motion. What might be important in a follow-on motion is to have it somewhat date-bound. And I know the drafts I've seen aren't necessarily date-bound, but that might be something that the board might want to entertain at the dais on the 9th.

[00:49:08] But the purpose of the follow-on versus in the resolution was the time it would take to be thoughtful to develop that. Yeah, I hear the need for some time to develop the process. I think anyone can draft a follow-on. I don't think that was my understanding of what we were seeking from staff, but in any case, what will that look like?

[00:49:29] What teeth will that have? I want to better understand how that's not just going to be something that we're going to move on from, and it's not going to mean anything in practice. I can say that we've been actively engaged with all of our associations throughout this entire process, And so if there's a follow on that the board directs us to create a process for having that discussion and then creating that process for additional units, you have my guarantee that we will be doing that work and bringing a product back to the board.

[00:50:01] So in terms of teeth, it's that we've handled and discussed some very difficult conversation or topics as part of the work group. And so we will not shy away from this. We'll reconvene the workgroup and come back with a product for the board, as Dr. Reed says, with date certain so that we can share that with the board.

[00:50:22] But in terms of you asking us to do this, we have taken this whole process very seriously and we'll continue to do so. - Right, and I wasn't trying to suggest otherwise. What I'm trying to say is what will that manifest as? Is that an addendum to the resolution?

[00:50:38] What does that become? - Maybe a follow on motion. We will work with the work group and see what kind of recommendations that we bring forward and bring back to the board.

[00:50:55] But we haven't had an opportunity to have those full discussions with the entire work group. But again, we haven't finalized the language for the follow-on motion for the board to consider as part of the regular meeting.

[00:51:12] And if the follow-on motion is then approved, we will then develop the process to do the work and then bring that work back to the board. And so after the follow-on motion, we will develop the process to do the work with the work group. I think the tension right now that you're mentioning, Ms. Amesh, is that there is a process on page 8 for the substitute and temporary employees.

[00:51:35] In other words, employees not currently involved in collective bargaining. There is a process for them to request collective bargaining rights. that's different than a group perhaps that's in a unit and that's to mr smith's point they would have to extricate themselves from the unit before they could request a new unit if that makes sense or no unit at all i suppose right um so that's why that incur in proposed contractually bargaining groups um there has to be a way to step out if before they can request a new um Bargaining unit so the other thing that in terms of how it manifests itself

[00:52:16] This isn't an agreement yet, but like once there's a bargaining agreement down the road Then you would add articles or attachments to that and those documents become living documents that Honestly, sometimes you look back and think what were they thinking when they added that article usually goes back to a particular situation or Incident or something that language gets written around and then years later you look at it and think hmm

[00:52:39] Right but right now there's not even a contract. This is just a resolution saying let's start the conversation or start the clock on what's possible with these three units. Yeah, no doubt. I just I guess I want to make sure it's codified somewhere. Otherwise, it's up for as if it didn't exist. But I know Stan, you're with us. I don't know if you want to offer some thoughts as to what's typically done in this case or answer any of the questions I posed about what possibilities exist.

[00:53:06] address that. There's an extensive process for considering this if we're reconvening the work group and asking them to look at it. And I know district staff have been looking at options for

[00:53:38] doing this. So I don't need anything concrete to add at this junction. Okay. So anyway, I guess I'll look forward to what staff bring on that. And I would like for that to be time-bound, Dr. Reed. so that's fairness concern one the other is the people who are left behind and i know we talked a little bit about this we have a document here that shows who they are i think this has to manifest in a follow-on as well but how how are we like what what's the current process after many conversations of offering them a contract option or thinking of especially for those who are

[00:54:14] basically full-time like effectively full-time some of those are family liaisons some of those are even you know band instructors etc like are showing up regularly but are paid on the hour what are we doing about that to make sure we are not losing people who could be captured in this process we would have to have those discussions about bringing some of those hourly employees who are currently hourly into that contracted hourly status as we talk about family liaisons i think that you would then welcome a whole different set of questions from other employee

[00:54:49] groups if you start to perhaps and these are my words not yours but cherry pick which hourly groups would have the ability to have representation and then which groups wouldn't and so it would at the end of the day sometimes be an all or nothing which i don't know if that's where we are at this point when we look at substitutes when we look at other hourly employees but we have had some discussions about what it would look like to widen the net per se for our family liaisons and and what that budgetary impact might be if we're looking at that particular group it might be more difficult to look at some of those hourly employees to think about what their interests are

[00:55:27] and then what our interests would be as an organization with those hourly employees given the status of their employment with fairfax county that is why i made the distinction of effectively full-time so i didn't hear a response to that quite yet we weren't quite a quite timeline excuse me but your time was up thank you so much i'd like to hear an answer to my question i think he did answer the question again for those who would be effectively full-time it would be doing a review of those particular positions and whether or not we would make those hourly positions that are effectively full-time contracted hourly. That would be the discussion.

[00:56:05] Ms. Pekarski? Okay, thank you. I want to start by just acknowledging with everything that has been on the plates of educators and those involved and all of you in the last year plus that you were able to come to this unanimous resolution and I think that's a big deal and I think we thank you thank you to everyone involved and I know I was chair last year when all of those meetings were going on so I know it wasn't easy and as somebody who

[00:56:40] works with 11 other people who need to come to a common decision I think it took a lot and I think that speaks volumes I think we are in a point in time right now in education where we are looking towards recruitment and retention strategies we want the highest best qualified applicants to be in front of our students at all times and I think anybody who fits that profile wants a

[00:57:15] voice in what is going on in their workplace so this is the right time and place for this i'm very excited that we're here um and i do have two questions the timeline for the lra hire what does that look like uh so uh if we're looking at a march uh timeline for the approval we could certainly have something in place by mid-april okay thank you um and then just another question to you know we talk at this level but just to bring it down to kind of the

[00:57:51] classroom level, the everyday parent, what kind of impact will they see from this particular resolution being passed and us engaging in collective bargaining, Dr. Reid? I don't know that a parent will notice an impact other than hopefully that our educators at the school site and our drivers and food service, custodial staff, IT, all of our staff, if we're collaboratively working together I think we'll come up with better solutions both for our resources and our needs based resource allocation because

[00:58:28] at the end of the day our needs are often known closest to the source of the work our you know warehouse people I met with our warehouse staff last week there are things we wouldn't know about their

needs unless we worked in the warehouse right so having a voice at the table around needs based resource allocation for our staff I think is important and our parents hopefully will see you know strong educational environments that result in high achieving students. Yeah thank you I appreciate that I think that is a great answer and I definitely agree at the end of the day this is for our students and

[00:59:04] to make sure that we are functioning as effectively and in the most impactful way for our kids in classrooms so thank you to everyone looking forward to the vote thank you mr frisch thank you um first i want to thank staff um and all of our associations for their close collaboration on this and methodical process that has remained focused for many many months on getting to the finish line um and uh even when there were differences of opinion muscling through and getting the work done and coming to consensus which i think is a

[00:59:41] lesson we could all learn from um i've also enjoyed the one-on-one conversations with colleagues over many months and hearing their individual observations about this and the strengths it brings to our school division i appreciate um superintendent reed's comments about the impact on the classroom that in an ideal world we will you know parents won't see much of a difference here um but um you know i can tell from my conversations with educators and with

[01:00:14] other staff that um the impact will be feel will be felt greatly uh by our staff um i'm curious as we move towards a vote um in the in the short term um uh are there are there any stones left unturned uh throughout this process that that might need to be addressed maybe marty could answer this question it feels like most everything has been uh covered and um repeatedly digested by our

[01:00:51] our partners and their associations i'm sure we'll find a few stones uh here and there that uh perhaps oh we didn't consider that fully but we feel like we've tried to to anticipate as much as we could uh within this process uh collective bargaining is new for fairfax county it's new for the state of virginia and we have you know dr reed and others who are very familiar with collective bargaining but this will be a learning curve for all of us it will be a learning curve for all of us as we interact and engage with one another it will be a big learning curve for our

[01:01:24] program managers and how we do the work of schools and i believe that we're up for the challenge so as we work very closely with the board as we uncover those rocks we'll be sure that we share some of that work with you and keep you informed of those rocks that we uncover thank you and you know it's very pretty now that we did not move forward with this um blindly and that we were methodical in our approach to it um and you know it's it's like anything else that this board does

[01:02:01] from a policy perspective um you know if we find a need for changes in the future we can address those as a board with staff support and backfill any areas that need to be changed um we're really using the word resolution because that's what the code requires right but this is not much different from uh making policy thank you mr frisch dr do you want to add something well it was kind of a a rhetorical question but well yes it is similar although i would say that it's opening the door

[01:02:41] and i i also want our public to understand that in many ways we're founded on this system of checks and balances right and collective bargaining is based on relationships and we need to be thoughtful and transparent with our labor associations with our community our families um it's not it's a very There's a huge responsibility, I think, that comes with collective bargaining to be thoughtful in our decision-making, and it's the decisions when collaboratively worked on rather than

[01:03:15] separately and positionally worked on are inevitably better for our students. So I just think it's important to recognize there are still checks and balances in collective bargaining, and that when done well, and that's a key, anything not done well is going to yield poor outcomes but when done well the outcomes i think are amazing so i'm looking forward to doing it well here thank you mr frisch did you have you have 49 seconds left if you want them i will yield it to the benefit of my colleagues thank you well um we are a little

[01:03:52] over time we need to head out to the board of supervisors so i'm going to just take a brief turn before we leave um first thank you to our staff mr smith and and the whole working group and all of our associations who participated. I know it was long, what, 14 months I believe, maybe?

[01:04:09] Close to 14 to maybe 18 months. Okay, so quite a long time with lots of thoughtful conversations and a lot of, I think, hard work to get to that unanimous vote around this resolution. I want to thank my colleagues for all their ideas and their hard work around this and I, you know, very much appreciate lifting up, as Ms. McLaughlin did, mirroring the Board of Supervisors and how important that is because they are our funding body and we are very closely aligned and not just in one fairfax but in many ways so i think that's an important piece um you know and i and i agree we are in a different um with miss pokarski we are in a different time frame when it comes to staff

[01:04:43] um you know and we see it not just in education but in many many fields and um so i won't reiterate what my colleagues have said i'll just share my own personal experience from my other job i teach full-time at a college one place and I teach part-time at a college somewhere else and one college is unionized and one is not and I can tell you the difference it makes to feel like I have avenues to have my voice be heard the difference it makes in my working conditions and the difference it makes in what I'm really excited about doing for the students right it gives me beyond the incentive that I have for just doing the job it gives me incentive to know that I'm part of the process and that I'm heard and I think that's

[01:05:21] important I know we have a lot of great relationships with our associations now but to have our folks really a part of the process where we're hearing from the ground how often do we say we've heard this we've heard this right to have that sort of codified in a collaborative interest-based process where hopefully as you say we can do it well and it's it will make everything better for this those who I personally consider the most important which are the students in the classroom so I'm very excited about this I'm excited that to move this work forward I really appreciate all the conversations and the thoughtfulness of our colleagues as we grapple with something that is huge and monumental. So with that, I want to

[01:05:57] thank you all staff. Thank you for everyone who came to listen today and this meeting is adjourned.