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Loudoun County School Board, Legislative and Policy Committee Meeting, Thursday, November 9, 2023

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Place Loudoun County Public Schools / School Board meeting (see BoardDocs / LCPS-TV)
Length 1h 7m (video)

- Official meeting video (Vimeo / LCPS-TV): <https://player.vimeo.com/video/884555160?rel=0>
- BoardDocs (School Board): <https://go.boarddocs.com/vsba/loudoun/Board.nsf/Public>

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[00:00:01] Good afternoon, everyone. This is Atusa Reeser, Chair of the LNP Committee, calling our meeting to order. We'll begin this evening with public comment. The public comment period in the LNP Committee is limited to a total period of 10 minutes.

[00:00:20] Speakers must limit comments to the time allotted by the committee chair and announced prior to the public comment period. We have four speakers signed up today, so we'll have two minutes each. And the first speaker is Sandy Sullivan. Sandy Sullivan: Good evening.

[00:00:42] From the very beginning, it was always our intent to collaborate with you and develop a resolution crafted in transparency which would be good for staff and students. Instead, this process has not gone that way. Only through FOIA did we discover that you, through Bob Falcone or otherwise, regularly consulted with Isler-Adair, a known anti-union, anti-labor law firm.

[00:01:04] Not once in the two months prior to the June L&P meeting did you or anyone on your staff send the questions Isler-Adair billed to you to anyone in LEA or VEA. Is this why your staff thought you needed over \$13 million for collective bargaining?

[00:01:19] The resolution is a travesty. The spirit of working and collaboration exists nowhere in the 23 pages below you. This resolution draft works to silence all employee voices. Morale is at an all-time low,

and any hope employees held that they would have a true voice in their working conditions is gone.

[00:01:37] Your employees feel disposable, and this resolution proves that their feelings are correct. been a great deal of talk about transparency and equity but neither is demonstrated here we must do better than this student learning conditions are educator learning conditions our educator working conditions rectify this language by working with us and not against us no decisions about us without

[00:01:59] us thank you the next speaker is Jonathan Rado good afternoon as educators we create solutions we are natural problem solvers we adapt and change daily to meet the needs of our students we are professional and dedicated why are we not important enough to be part of this collective bargaining resolution Lowndes County Public Schools own equity statement is that quote equity means

[00:02:39] being committed to providing a safe supportive inclusive affirming and respectful environment for each student and staff member unquote how is the resolution before you today equitable to staff this is simply the work of a legal team that you hired to strip our access to equity. Furthermore, your own very elections would have been invalid under the voting threshold that is set in this resolution. Your resolution requires a 50% turnout of all eligible employees. No one currently sitting on the school board was elected in a year that enjoyed

[00:03:18] over 47% voter turnout. And could any of you have even achieved that much voter turnout without access to your voters? But that is what LEA itself is facing. We've been banned from our own work sites, and a proposed new policy before F&O would eliminate our ability to "convey information on matters before the board."

[00:03:41] How could anyone on the school board actually sit in the seats you currently occupy with those limitations in place? This resolution is not a solution. I ask that educators be allowed to come to the table and create the solutions that are so desperately needed in Loudoun.

[00:04:01] decisions about us without us thank you the next speaker is Cory Burnett hi I'm Cory Burnett I'm an English learner teacher at Broad Run High School how many hoops must we jump through how many artificial barriers will you erect why do you continually devalue your employees are not enough experienced educators fleeing Loudoun County is this the culture you want to be your legacy with the resolution you have in front of you your legacy will be how you have

[00:04:39] single-handedly extinguished employee voices. Every day your employees are treated as disposable. We do not feel valued. I do not feel valued by my employer. This resolution is a smack in the face. This resolution demonstrates that you do not care about me and the value I bring to my students. If you claim to be pro-public education, I would hate to see if you were against us. Limiting

[00:05:13] my rights as an employee is anti-democratic. I should have a voice in my working conditions. My students learn best when I am respected for my knowledge and expertise. I have dedicated my life to the field of education, and I am proud of my students' successes. Why is it that my employer thinks my voice is irrelevant? Why must I spend countless hours every week in collaborative learning team meetings if my employer doesn't actually believe in collaboration. Was this

[00:05:49] resolution process not intended to be a collaborative learning team itself? I want us to fix this. I want us to work together. I am committed to open and transparent processes that are equitable for all. What will be your legacy? No decisions about us without us. Thank you. And the last

[00:06:19] public commenter is Andrea Weiskopf. We have seen the draft resolution, albeit not until yesterday evening. That has left fewer than 24 hours to look at the resolution before we are able to address you. Was that out of the Insular Dare playbook? Company, by the way, who gives presentations entitled Walking the Plank, Severing Employment Relationships, and Monitoring Your Employees,

[00:06:53] how much can you do and best practices for firing employees and now we wonder where does the resolution provide a genuine pathway and process for educators the experts to be part of meaningful decision-making the draft resolution limits the scope of bargaining does not allow some employee groups to be part of the bargaining and includes language to make in collective bargaining confidential and among many other anti-labor processes adopt a

[00:07:28] resolution which will formalize a process for paving the way for meaningful discussion and decision-making that will benefit our students no decisions about us without us black lives matter thank you thank you so before we discuss the collective bargaining agreement I'm going to go ahead and make a motion for approval of the october 2nd 2023 draft minutes second all those in favor say aye aye that resolution

[00:08:08] aye that resolution will pass unanimously with sorotkin and reser voting yes and mr baity absent for the vote mr baity is caught up in traffic and should be arriving shortly but we will go ahead and get started with the information item it's the only item on tonight's calendar and i'd just like to start by saying this item is slated to come back before the lmp committee again so there will be further public comment opportunities for anyone who has feedback on the resolution to provide that for the committee members either via email or in person and then it

[00:08:48] will be before the board as an information item and as an action item so there continues to be opportunities for for feedback and for amendments as needed so it's really just a starting point and with that i'll just ask dr dr smith if you would please present all right good good afternoon committee members we are meeting today discuss and review a draft collective bargaining resolution the school board adopted a resolution of the louden county school board will consider whether to establish collective bargaining between the school board and certain school board employees

[00:09:26] at its march 28 2023 meeting this action directed the legislative and policy committee to draft a collective bargaining resolution which the school board shall vote to adopt or reject by december 31st 2023 the draft resolution is available in board docs and there are several initial points for committee discussion i'm now going to turn it over to wes allen acting division council to share in more detail about how we arrived at this point and to present some initial discussion and decision points thank you dr smith well it would be customary to have our outside council who have appreciable experience in the area of collective bargaining to be here tonight

[00:10:05] they had unavoidable conflicts that said i'm glad to walk the committee through and outline any decision points today as you consider this information item what you have before you is the lcps draft resolution providing for collective bargaining the committee heard from lea at its June 5th, 2023 meeting wherein the LEA presented information about the collective bargaining resolution process and LEA's proposed collective bargaining resolution. Again, what you have before you is the LCPS draft resolution providing for collective bargaining. It includes recitals,

[00:10:41] definitions, including bargaining units and scope of bargaining, rights of employer and employees, duties and rights of the proposed exclusive bargaining representative, certification and and

decertification procedures for the proposed exclusive representative, procedures for the collective bargaining agreements and resolving issues, as well as prohibited conduct and resolution procedures.

[00:11:07] What I want to draw your attention to are some decision points for the committee. The first concerns the definition related to working conditions. This concerns how negotiated topics, which are bargaining topics between the proposed exclusive bargaining representative and the Board, are selected.

[00:11:25] I'll give you a minute to turn to pages 5 and 6. Just one question, Mr. Allen. If there are items on the lines preceding the first decision point, it might be beneficial to have an opportunity for committee members to be able to discuss, I suppose, how would you like to proceed?

[00:11:53] Do you want to start with option number one or do you want to see if committee members have any questions about anything leading up to up to that point and then take option number one do you have a preference um thank you mr reaser i'm happy to defer to the committee's preference on that okay um i guess with option number one being at line 156 i'll just ask committee members if you have any questions or comments for anything leading up to line 156 before we take that i'll just give

[00:12:23] you a minute to take a look if okay i think we're good to go with discussion of option number one Thank you, Ms. Reaser. Again, on pages five and six, you'll see that there are four options for the committee's consideration and discussion with respect to working conditions. I'm glad

[00:12:59] to walk you through each of those options as a summary. Option one provides for an approach where, during the first term of the collective bargaining agreement, negotiation between the board and a proposed exclusive bargaining representative, a maximum of four of the topics provided for in that option, with each party selecting up to two topics.

[00:13:24] Thereafter, in each successor collective bargaining agreement negotiation, the parties may each make proposals to bargain up to two additional bargaining topics from or beyond those provided for in that option. In the second option, that provides for an approach where during the first collective bargaining agreement negotiated between the board and the proposed exclusive bargaining representative, the parties would only negotiate the three terms stated therein, which are grievance resolution process, rights of proposed exclusive representative to access employees

[00:13:59] and information, and the duration of the agreement to include the extent of any midterm bargaining obligation. Similar to the first option, thereafter, in each successor collective bargaining agreement negotiation, the proposed exclusive bargaining representative and the board may each make proposals to bargain up to two additional bargaining topics. Option three provides for an approach where during the first collective bargaining agreement negotiation, only the topics and up to a maximum of four agreed by the parties prior to the commencement of collective bargaining

[00:14:33] negotiations would be considered. That would be the whole entire bargaining team comes to an agreement on those terms. In each successor collective bargaining agreement, the parties would be able to make proposals to bargain up to two additional bargaining topics, excluding those subjects and rights reserved to the board in this resolution.

[00:14:54] So that caveat applies to each of the options. This is option three? Correct. That we're at. Okay. I'll go ahead and -- I do have a question, but I'll let you get through the options first. Thank you. And the final option here that's presented is providing for a similar approach to option three.

[00:15:12] The difference is this provides for an agreement on topics, again up to four, to be determined by a committee, and that would be comprised of two board members, three representatives of LCPS administrators, and five representatives of the proposed exclusive representative, and that would be prior to the commencement of the collective bargaining.

[00:15:33] And each successor collective bargaining agreement, the same process as the prior three would be the same. So just a quick point of clarification, in both options three and four, the exclusive bargaining representative would be included in discussions around working what would be defined as working conditions is that correct that is correct okay and could you just state again the difference between who would be part of that discussion in options three and four glad to do so in the option three that would be the entire bargaining team for those pre

[00:16:12] negotiations option for it would be specific to that committee of them entire bargaining team which is set forth with the quantifiable folks that's listed therein. Any questions from the committee? Mr. Sorokin. Yes thank you Madam Chair. So in options three and four there's some sort of committee being formed so I think I'm clear for those options who the negotiations would take place between for those potential additional topics but I'm not sure I'm I'm not sure it's clear as it could be,

[00:16:50] or maybe I just don't understand, for options one and two, for picking between these lists or picking what the different topics would be. When it says that the exclusive bargaining representative and the board may each make proposals, who are they making proposals to, and who would be approving those or negotiating on them?

[00:17:13] - Thank you, that's a great question. My understanding is that both the proposed exclusive representative would be discussing that amongst themselves. This gives the flexibility for them to appoint a designee or spokesperson to represent their interests, as would the board would determine amongst itself, and then they would come to negotiations with that spokesperson is how I believe it's envisioned.

[00:17:43] So as opposed to the full entire, like for option three, which provides for the entire bargaining team, my understanding is that options one and two provides flexibility, so it's not delineated as to specific folks like option three or option four.

[00:18:05] That said, I'm happy to take this back, that specific question, or-- I think I need more clar-- I don't, I'm still not scanning, but I'm still trying to figure out what I might support or what I think is the best option here.

[00:18:24] if any of these four options, but I think for one and two I would definitely need more clarity than is here now on exactly what the process is for, you know, if it's just, okay, the board picks whatever two it wants and the bargaining representative picks any two they want and there's no negotiation or there has to be some agreement between the parties for what would be approved.

[00:18:47] Thank you. I misunderstood the question as to who specifically would be the designated individual. My understanding is that, yes, this would be negotiated between the parties, but to your question, you would like to see some kind of clarification as to if there isn't an agreement within the negotiation, what then occurs.

[00:19:08] Is that right? Right. If either party thinks that the other party -- what the other party wants to bargain on or the topics that they want to add is unreasonable, what's the -- can either party just add whatever they want to it, or is there some sort of a negotiation process for resolving that?

[00:19:27] Thank you. Mr. Brady. Thank you, Chair. So a couple questions. First one on this concept of the four topics. Where does that number come from? Is that -- I mean, we can obviously change that, but is that sort of precedent with other agreements we've seen?

[00:19:46] Yeah. My understanding is these, both for option N1, there's kind of the subject content of option one and for option two are kind of the topics that are being discussed in neighboring jurisdictions as the primary areas of interest.

[00:20:04] Okay. Thank you. I look at on line 66 dues deductions. Can you talk about what that would entail? Because would that mean that LCPS will be picking up the payment for dues?

[00:20:22] Thank you. For line 166, I can't speak with any certainty as to that, but I'm happy to ask and report back. Appreciate that. Thank you very much. I do appreciate the aspect in option four, and I think, going back to what my colleague said, you know, there's things you could cut from each of these options to kind of combine to sort of an omnibus option.

[00:20:46] But I do appreciate having two board members. Is that a quorum issue that it's two board members or more of a feasible, like, why couldn't sort of it be like the L&P committee or honestly, like, the whole school board kind of coming up with those issues since they're going to ultimately be responsible for it?

[00:21:01] Yeah, my understanding is that once you reach three, it becomes then a public meeting of the board, and so then that negotiation would become -- constitute, arguably, a whole board meeting at large. Okay, so this is an effort to not have that negotiation in public, basically.

[00:21:21] It allows for the -- yes, to avoid a situation where that could be construed as a public meeting of the board. It allows for this subcommittee to have candid conversations in their negotiations. Okay. So then that's going to be tricky, too, because, again, look, you had two members of the LNP committee.

[00:21:39] That is a quorum for the LNP committee. So that's kind of its own interest. So I'm going to say, like, lean on the side of having openness, transparency where everyone can kind of see that negotiation. Otherwise, you know, you do run the risk of, depending on who gets picked for that, there being unintentional FOIA problems as well.

[00:21:57] So just a quick follow-up to Mr. Beatty's question. Is there any reason why the meetings could not be open in public without being a full board meeting I I see the benefit in having it be open and public a conversation anyone could attend but I think some of the there's Robert's rules of order there's motions there's certain ways that board meetings have to be conducted and I think that's why we don't include others in a formal board meeting but my understanding is that the way other boards have done it is to have committees so that open discussion can happen but it doesn't necessarily

[00:22:36] necessarily have to be not public it's just not a formal meeting yeah I'll take that back and see okay so I do we have any information on what the national standards are for the definition of working conditions like what is or could we have that at the next meeting just we talked a little bit about what neighboring school divisions are doing but I think it might be helpful to have

[00:23:11] perhaps a chart or a table or some kind of visual of how other both school boards or school divisions in Virginia in the Commonwealth but also nationally since this is very new to the Commonwealth and there were no there was no framework put forth by the General Assembly so while the neighboring

school divisions may be informative there aren't that many that have adopted a collective bargaining agreement resolution or an agreement so if we could just have what the national standards are typically for this and and

[00:23:49] the other areas where we're choosing from the options or or maybe even where we're not as board members indicate throughout the meeting please miss Ogadugbe do you have any questions or comments on this section thank you as a preview that the next decision point that's highlighted herein is on page 13 under Section 7 certification and decertification of exclusive bargaining

[00:24:25] representatives. I'll hold to allow the committee to review up to that point and ask any questions. And Mr. Beatty we determined before you before you came in that we would have Mr. Allen just tell us what the next decision point is as indicated in here but that if there were any questions or comments on the lines LEADING UP TO THE POINT THAT HE JUST NOTED THAT WE COULD TAKE THOSE

[00:24:50] FIRST.

[00:25:19] THANK YOU. YOU'RE WELCOME. MR. BABEY. IF I MAY. THANK YOU CHAIR. SO 295, LINE 295 ON PAGE 9 IS PART OF THE SCHOOL BOARD'S RIGHT TO RESPONSIBILITY, THE ABILITY TO DETERMINE IN ITS SOLE DISCRETION IS BUDGET AND APPROPRIATIONS. DO YOU HAVE ANY CLARITY ON -- I GUESS THAT GOES BACK TO THE IMPASSE MECHANISM THAT WOULD HAVE TO BE IN THIS IN TERMS OF IF A DECISION COULDN'T BE MADE AND IT WAS ABOUT THE BUDGET appropriations would the board be able to overrule any problems in that you know disagreements in that case based on this this clause in here or would it

[00:25:55] still have to go to some kind of mediation my understanding of this provision as it reads is that these items 1 through 13 kind of codify what the board's rights and responsibilities will be in and what rights they'll they'll maintain and so I I don't see that it provides for kind of negotiability on these items this is kind of the board's retention of its

[00:26:23] rights it is my understanding I have a question about section 7 letter a number one which is I'm getting there three line 387 that line states that it has 30% as the percentage needed for statements certifying that at least 30% of the employees of the bargaining unit wish to be represented by the employee.

[00:27:02] And I was wondering how this suggestion of 30% was arrived upon. Thank you. I believe this is standard for other jurisdictions, local jurisdictions, but it's also consistent with the certification of employees for how we entered in to adopt a resolution.

[00:27:28] And so that's how it's consistent. This 30% threshold was met there to say that, yes, there is an interest in collective bargaining, and that's my thought. This 30% is that there will have to be at least 30% of employees saying that they wish to be represented by a prospective employee organization as an initial threshold.

[00:27:53] And is the 30% at line 426 chosen for the same reason? That's correct.

[00:28:08] And then I see that in Section 11 at line 485, it's 50%. And I see that that's highlighted, so I think that's a point that you're going to be bringing up for discussion. But I think along with the other requests I had that we have a graphic showing what the percentages for -- all of the percentages in the entire

agreement, if we could see what other divisions and the national -- the NLRB's standard for that would be helpful.

[00:28:39] And I do have further comments on the 50 percent, but I'll wait until you're finished with your remarks. Male Speaker: Just to confirm, are there any other questions up to Paragraph 11 and Section 7?

[00:28:56] Female Speaker: No. We can proceed. Thank you. Male Speaker: Thank you. This, again, decision point provides for the certification and decertification of the proposed exclusive bargaining representative.

[00:29:13] As we look at paragraph 11 on page 13, it provides guidance on the certification election for a proposed exclusive bargaining representative. As it currently reads, LCPS's draft collective bargaining resolution provides that at least 50 percent of the employees in a bargaining unit participate in such election.

[00:29:32] If less than 50% of the employees in the bargaining unit do not participate, then there is, based on the labor relations neutral and their determination of good cause, they can have a runoff election to be held within 30 days.

[00:29:54] And there can only be one such rerun or runoff election. And then if 50% of the employees still don't participate in the rerun election, then the proposed exclusive bargaining representative won't be certified.

[00:30:10] So the threshold for participation, as you noted, Ms. Reeser, the discrepancy there is predicated on the fact that the implications for each of those stages -- for the first one, it's showing just an interest and identifying a potential exclusive bargaining representative.

[00:30:27] The second, the 50 percent threshold, is because that would then bind those in a collective bargaining unit to that exclusive bargaining representative.

[00:30:44] For instance, in another jurisdiction, 12 people voted yes for a union to represent about 60 percent of its collective bargaining unit, so therefore 20 percent bound the unit, that collective bargaining unit, to the unit, and so this really ensures that there's representative sampling of the workforce participating who's on board with being represented by the proposed exclusive bargaining representative. And that's why the 50 percent isn't here for consideration.

[00:31:18] Does the committee have any questions or comments on that? Mr. Beatty? Thank you. And so for if you get 50 percent of the bargaining unit to participate in the election, 25 percent of that would have to be in favor of you. So 25 percent plus one as a minimum to win, or I guess, I'm sorry, 50% of that 50%, 50% plus one of that 50% would have to vote yes in order to.

[00:31:48] That's correct, to certify that proposed exclusive bargaining representative. And just as kind of another point of data, another nearby jurisdiction had that 50% participation in their collective bargaining resolution. The voter turnout was nearly 65% of those participating in the certification vote.

[00:32:09] If that's a concern, whether that's reachable or not, at least a neighboring jurisdiction exceeded that participation. Mr. Sorokin. I just wanted to make sure it was clear in my mind that, like, the 30% and the 50%, it's totally unrelated between the two, where the 30% is, like, you're back to certification cards or something like that for merely expressing an interest in having an election.

[00:32:35] And then the 50% is however many show up during the period of the actual election. but it's not 50% of the 30% or anything like that. It's entirely two separate things. I just wanted to make sure I had that clear. Thank you. That's a good clarifying question. That's my understanding.

[00:32:50] The 30% is initial threshold. It's irrespective of the later 50% election to certify. Okay. Thank you. So my concern with this is the number of hurdles that we're putting in place. I think you can't force people to participate in an election, and if they choose not to vote no, they've chosen not to vote no, and the people who chose to vote and vote yes shouldn't be penalized by the fact that people didn't show up.

[00:33:19] So I realize I'm only one member, but I can't support this language. And I don't know if there's alternative language that exists in other resolutions, if the NLRB does have a standard that they put forth, if there are other things that we can consider I'm not sure that the requirement of any percentage of participation is something that I individually would support but I would like to hear what

[00:33:56] other board members committee members and including Miss Ogadugbe think I do see that mr. Sorotkin since he is a committee member I'm gonna let him go first and then Miss Ogadugbe thank you madam chair I would tend to agree with that I think having a minimum threshold for having a call to election makes sense because you have to know whether there's some groundswell of support for for having an election in the first place but I can't think of any other type of election where the results would be invalidated if not enough people showed up and with a you know with 12,000 employees I think the likelihood that only 12 people are going to show up to an election is pretty low so I I I would

[00:34:36] I would concur with your remarks I'll add my agreement to that I think we have the the will of employees who are interested in engaging in collective bargaining and would not I just agree with what miss research had stated about not adding unnecessary hurdles for moving things forward obviously there is

[00:35:06] a need to have a vote to decide on for the election but I think that this sets the bar too high and I would also be in favor of not actually having a limit and understand that given the interest of employees to engage in this process, I'm pretty sure we would have high turnout.

[00:35:29] But just in the spirit of positive intent and so forth, I wouldn't support this either. Thank you for allowing me to ask a question or say something. So Mr. Allen, do you have what you need on that section?

[00:35:47] Sorry, Mr. Beatty. Thank you, Chair. I would just say that I think it's more about getting buy-in, because if you've got a third of the bargaining unit bringing an election together, having that 50 percent threshold means A, people are engaged, especially when this is going to be a massive change to how their work environment is, given that there will be rule changes, there will be things like that.

[00:36:14] So I think the 50 percent is more just making sure that people are aware, and that people are going to -- know what's going on. So even if depending on what side you're voting for, you don't get what you want, you know, you at least had a say in there. I think it's key that people are engaged in this process. And I think that 50% threshold is a matter of getting that kind of buy-in per se to the process and knowing what's going on. So I think having it there will, given whatever decision gets made, allow for people to accept the end of that rather than thinking it's just a minority imposing their will on sort of the general population of a collective bargaining unit.

[00:36:52] Thank you. Any other comments or questions from the committee? So then I would ask Mr. Allen if you could please bring back the next draft. I mean, there is -- there are two committee members

who support striking that requirement. So I will ask you to bring the next copy with that removed. Mr. Beatty, of course, you are free to make a motion at the time that this comes back for action.

[00:37:16] Thank you, Ms. Reeser. The final decision point that's highlighted herein is on page 17 section 9 impasse resolution I'll give folks on the committee an opportunity to review up to that point and ask any questions and I will just note that as you probably already noted for yourself at line 569 that would need to be made congruent with the removal of 7 8 11 yes and the same is

[00:37:45] true online for 457 yes thank you thank you sorry I was just waiting to I was

[00:39:23] waiting for you all to look up to I think we're ready thank you mr. Isar the final decision point, again, concerns an impasse resolution. And as an initial matter, an impasse is a situation where the parties are unable to reach an agreement concerning the negotiation of the collective bargaining agreement. Both options here require the parties to mediate.

[00:39:47] However, in the first option, either party may declare an impasse if no agreement is reached by September 15th. Under the second option, if there's no agreement reached by September 15th, The parties are encouraged to work those out, and if not, by October 1st, then that triggers an automatic mediation.

[00:40:09] So that's one of the distinctions there. In option one, you would go, in either option, you'd really go to a mediation, have a mediator from the Federal Mediation and Conciliation Service who would step in and facilitate an agreement with the parties.

[00:40:25] If that mediation process is unsuccessful, in option one, you would go down to paragraph i that provides that the school board retains the proposed exclusive sorry the exclusive authority to determine those matters that haven't been agreed to by the parties or resolved in a mediation that the school board could also continue the implementation of the terms of any prior collective bargaining agreement covering those matters and option two if the mediation is unsuccessful then you would go to paragraph f that in that case either party could request a hearing before

[00:41:03] a labor relations neutral to resolve issues that weren't resolved in the mediation. In that process, the labor relations neutral reaches a written decision, and within 30 days of the closed hearing, there'd be a hearing process involved in that. The labor relations in neutral would then reduce their decision, and that would be an advisory opinion here.

[00:41:29] So ultimately, my understanding is that the board could choose to accept or reject and whole or in part that decision by the labor relations neutral and then paragraph i provides for next steps in that case so if there still is an impasse and no agreement then the collective the expired collective bargaining agreement would remain in effect until the earlier of the parties reaching a new agreement or one year from the date the collective bargaining agreement was scheduled to expire as you'll see the paragraph below that does say notwithstanding the foregoing

[00:42:08] the board may and its sole discretion choose to continue any and all of the provisions of an expired collective bargaining agreement thank you questions or comments on those options mr. Sorokin thank you madam chair so there's a number of differences between option one and option two but it doesn't seem to me like those differences are necessarily all related to each other and I'm trying to verify whether that's the case so for you know option one versus

[00:42:45] option two option one is kind of an optional impasse whereas option two is like an automatic impasse if something remains past October 1st option two has the ability to request a hearing before an LRN whereas option one doesn't and then option two has the the the clause in section I where the expired CBA would continue for up to a year if there was no new CBA in place, whereas option one doesn't have that or at least is silent on it.

[00:43:24] So am I correct in thinking that those are kind of three separate changes, whereas they're not related to each other? It's not like having the hearing or not having a hearing before an LRN would impact the other two options or not. So it would be possible potentially to mix and match between those two options?

[00:43:40] Is that -- Am I correct on those points? Yeah, that's correct. Okay. it might be helpful when it comes back to to have that delineated in in a fashion that made it really crystal clear that they're not tied together or or to potentially even have just have each one of those as an option as separate up like a like a menu more than just the one versus the other mr. Beatty thank you

[00:44:15] chair so on I guess section line 68 688 section G and then 737 the other section G both talk about the mediation not having any authority to bind either party I guess the first one's not finding either party but the second one is not binding the board so given the fact that the impasse may occur what is the point of having this whole resolution resolution process other than I guess trying to find some common ground but again if you can't find any common ground would the collective bargaining agreement just become null I

[00:44:51] I guess after a year for option one or null at the end of this process for option sorry null at the end of the year for option two or no at the end of the agreement process for option one thank you mr. Beatty so yeah that the consequence for in both options as it reads now would be under a paragraph i however the my understanding of the thought behind this is to allow the parties to come together and have an opportunity and a kind of a formalized mechanism to address any you know impasse or items that they they cannot come to an agreement in terms of the collective bargaining

[00:45:29] agreement and then the september 15th date is there a reason for that no that's i guess two and a half months before the budget but could that be moved earlier or later probably not later but earlier if just to kind of again get things squared away before because we talk about the the budget needing to be ready by the end of December but really it starts like June of the school year for the next year so could that be moved up earlier in order to accommodate that so I'll ask about the flexibility of those dates it appears to me that there probably could be some flexibility but I think that we want to be mindful of preparation of the budget and impacts

[00:46:08] to it Ms. Ogadegbe thank you chair my question is between option one and option two they both have a provision for mediation option one refers to the mediation through the federal mediation and conciliation service but in option two it doesn't seem to state that so I'm wondering who's the mediator in option two my initial understanding is that that would be the same process maybe it's the case

[00:46:45] that that wasn't spelled out an option two but I'll confirm that the case okay Thank you, because I think it would be, I mean, to Mr. Sorotkin's point earlier, having apples to apples here to compare what is the same or not is important.

[00:47:01] And then I think just overall, I personally think that it's helpful to have another formal step and appreciate an option to this option to have the LRN, the, what is it, the labor relations neutral party as a second step for a mediation before declaring a full impasse. I think having the third-party assistance is important if the parties are not able to come to an agreement. Thank you.

[00:47:38] Do committee members have any thoughts on Ms. Obedek-Bey's suggestion? I want to give them more thought. I'd be interested to know what others think as well.

[00:47:57] also I'd like to have us bring back just under impasse generally it talks about the cost incurred by the each party themselves which I think it is a reasonable starting point but I also think that reimbursement in part or full can be part of the mediation subject to school board approval if there's an instance in which something goes to mediation and it becomes clear to the school board that it really should have just been agreed to to begin with and shouldn't have been the subject of mediation, I don't think -- I think it should be possible to have that be part of the negotiations, instead of just preempted before you know what the topic is.

[00:48:37] And that's a common concept in law, that reasonable fees are reimbursed, and it's up to the arbiter, which in legal cases might be the judge, but in this case, it would just be subject to approval. So, I think the possibility could exist.

[00:48:53] I would like to have some language come back next time that the committee could consider that would allow for that. Does that make sense the way that I explained it, or do you have any questions about what I said?

[00:49:11] To confirm, as I understood it, we're looking at replacing potentially the costs being borne by each party and having reasonable attorney's fees allocated to a prevailing party? Well, almost. It doesn't go quite that far.

[00:49:29] it's it would just leave room for the possibility that reimbursement could be part of the mediation subject to school board approval so maybe the discussion could occur as part of mediation I see thank you I I do want to go back to something that we talked about at the beginning but I just want to see if between here and the end committee members or Miss Ogedegbe have any other

[00:49:59] questions or comments I did want to ask you about under see if I can find the right line number. Line 845 says if an employee organization or exclusive bargaining representative is found to have violated section 11 , the charging party shall be entitled to recover

[00:50:37] reasonable attorney's fees and costs incurred by the board, including reimbursement of the board's share of the cost of the labor relations neutrals fee. Is that -- am I reading that to be not reciprocal, would only one party be able to recover that fee?

[00:50:57] I believe so, and I believe that's because the way that Virginia Code 40.1-55 reads is it's a prohibition on union activity, but I can double-check that. Okay. I mean, if it can be made reciprocal, I think it would be fair to make it reciprocal.

[00:51:16] If you're telling me that the code prevents us from doing that, then I would appreciate knowing that. Just going back up to the top, I want to let Ms. Ogadagbe, she had a question regarding something that we covered before she was able to join the meeting, so Ms. Ogadagbe.

[00:51:37] So my first question, it was just in a section before the one that we were just discussing and it's on line 607 commencement of bargaining. I just had a question about the timing of this because it says that a written request for bargaining must be submitted by the exclusive bargaining representative to the superintendent know later than March 1st is that predicated on the any of the timing around the negotiation for what will be bargained on with the working conditions

[00:52:11] so I know that there are four different options that were discussed one of which includes a committee to meet and review and decide what working conditions will be bargained and I'm I'm just trying to understand on a timeline are there timing considerations for time bounding the work of that committee so that it's not bumping up against other deadlines I would I'm not familiar with all of the terms here mr. good I think that's a good question and we'll look into that

[00:52:47] report back okay thank you and that just leads me to my other comment just a comment that in terms of the four options for working conditions I I do think that a committee structure would be helpful and beneficial to ensure that conversation and collaboration around what what the eventual agreement might look like and as a non committee member that's my opinion at this point well just building on that I mean I concur with that if we're making decisions about

[00:53:24] what working conditions are going to be negotiated and I think that the staff who are part of those working conditions can help us make a more comprehensive or a good list they can help us define those items and I think we'll make better choices about what to put in the agreement with that input and so I think along the lines of the other visuals that we talked about I'd like to I think a chart would be helpful showing between these four options like who is who would be included in the conversation defining what the topics are

[00:54:02] before the actual negotiations and and I do I do think that it largely belongs between staff and administration I don't think that school board members the my understanding of the purpose behind collective bargaining is to allow the staff to be able to have input from the employees so it's I don't think that having a full board of school board members sitting on this conversation is necessary and nor would it be very effective or nimble and that's exactly

[00:54:40] why we're setting up the opportunity for the direct conversations to happen to begin with but that's that's just my opinion so I think it would be helpful with the four options to understand who would be included in the conversation what would the conversation actually look like would there be things that are predetermined or would it be completely open to what that group decides and if there are any other questions that you think should be answered by whatever visual the staff comes up with I would appreciate input from any of my colleagues it's so good okay thank you chair just to reiterate I think a

[00:55:15] timeline overall of you know this first round and then annually what it looks like and where there are deadlines that are material to you know automatic actions or things that will happen I think that would be important and informative for everybody involved to have a timeline thank you I think overall while I understand why everything has to be in a format like this to be approved it would be helpful I think to educating other school board members when it does

[00:55:48] eventually go to the board to have a presentation that maybe something that presented the information visually that just comes from one visual learner are there other questions comments or thoughts on the document or the process as a whole that either committee members any board members

have so I'm just thinking about the timing of when we would meet again to be able to discuss this I do although there were only four people who gave public comment I think

[00:56:27] it's fair to say there are maybe a number of people that might have input on this as it has been out in the public domain longer and everyone has an opportunity to review it and to hear what we talked about in this committee today and I'd like to schedule our since we are scheduling a special meeting for this particularly I'd like to make sure that we have enough time that we're not limited to ten minutes for public comment and my suggestion would be that we if it's if staff has the ability right now to tell us what openings there there might be if not then you know we can coordinate with with the rest of the

[00:57:07] committee members but I I do want to make sure that we're not we don't have a hard stop I believe that questions for me um yes mr. Reiser so we happy to work with you and to schedule the next meeting and look at availability and look at a time frame that would be reasonable for you yeah and I would just put it out there and this I'm just gonna suggest this since the board chair is here if it's I don't know if it's too soon to do something in it like in advance of the next board meeting like before the next board meeting starts so that if other board members want to be there and be present they could be I also would just

[00:57:44] put it out there for consideration that in order not to limit the number of times that we have committed to the public that this would come back which three more times if it could potentially be part of a board work session at the next meeting and then still come back as an information item and a and an action item I mean there are a few different ways to do it I just want to the things I want to ensure are that there's plenty of time for public input that there is at least three other meetings on this like we have promised and that the entire board has the opportunity even though they're not sitting on the committee to

[00:58:21] TO FEEL CONFIDENT IN UNDERSTANDING EVERYTHING THAT WE'VE TRIED TO LEARN HERE. DO OTHER COMMITTEE MEMBERS HAVE THOUGHTS ON ANY OF THAT? I JUST -- WELL, I MEAN, SPEAKING AS BOARD CHAIR, THE AGENDA FOR THE UPCOMING MEETING ON THE 14TH, THE WORK SESSION IS ALREADY PRETTY FULL, AND I DON'T -- AND LOGISTICALLY I DON'T KNOW HOW THAT WOULD WORK BEFORE IT'S PASSED OUT OF COMMITTEE.

[00:58:50] SO I -- LIKE, UNLESS WE WERE GOING TO VOTE TO PASS IT OUT OF COMMITTEE TONIGHT, I DON'T know how we would do that and I would be very reluctant to suspend the rules for something of this magnitude to do that yeah I would not suggest passing it out of committee it would just become more of a it would really be like a committee of the whole working on it or just a work session to work on it and then having it come as an information item I mean the entire board is gonna have to have buy-in on this and this is not like a small policy where we can easily make changes from the dais like we do with other documents we've worked on and I'm I'm worried about their ability to understand, ask questions, feel confident,

[00:59:29] because we've had that opportunity here. So I'm just trying to work through, yes, I was trying to think of a term better than spitballing, but yes. - I think, sorry. - Yes, please. - Thank you. I think for, I mean, we're three weeks out from the second November meeting, but assuming that this is passed out of committee by then, I think we could certainly schedule it into a work session for the uh second november meeting so that there's more of an opportunity for discussion rather than just an information item at the end of the night and then it would

[01:00:06] come back for action for the full board the meeting after that which would be the only december meeting that's on the calendar okay mr baity thank you chair so given the time frame uh the chair the school board chairs mentioned when do you think that we would have another l and p committee are you thinking the week before thanks week of thanksgiving it would need to be in advance of the next school board meeting so I think it would have to be next week or the week after and we would have staff work with both of you to find time to do that would that have enough time to go through our

[01:00:45] normal policy process of all the advisory committees that we normally include in this especially given as you just said it's a massive policy and with large ramifications dr. Smith so I think in terms of that we would look for board direction this isn't a policy per se is a resolution and so if you'd like us to put it out for the same type of feedback process we can definitely do that but I think that was gonna be a part of discussion and looking for more direction on that so I think because it is not a policy I mean it's open for

[01:01:19] feedback regardless but we had not planned on doing anything different than leaving it open for feedback from anyone who wants to give us feedback either via email or in person.

[01:01:34] No, I can appreciate that. I just hate for it to feel rushed. I think given that there's a strong component with employment, I think having CAC's feedback on this would be key. So, again, if you can get some way to get CAC an ability to review it, have the recommendations, I think that's key at the very least in this.

[01:01:56] So we can just -- we can certainly alert SEAC and MSAC and the equity committee and LEAF that this is happening, and let's -- I suppose that the next time that we have something ready to come back to the committee, we can send them a copy, but I do know some of those organizations have different timelines for when they meet, and I just don't want to give them the impression that we have the ability to hold a decision pending any formal process that they have.

[01:02:28] Anything else? there anything else that you need from us I don't think so at this time we'll work with you to see if we can find another date and then it's my understanding that just want to clarify that once we have kind of based on your feedback today if we can get another draft or some some pieces back together you would like us to send that out to the school board advisory committees for review it would be a pretty tight I mean if you think about it be pretty tight timeline for turnaround for the next meeting we get together but just let them know the LMP committee would like to review their feedback if they're able

[01:03:06] to submit it why don't we go ahead and let them know that we had this discussion today and that that will be coming so that they just have a little bit more notice that it is going to be a super tight turnaround this is not a typical policy that's that's you know following the policy feedback loop that we have but that we did want to alert them to it thank you miss so good egg Bay so I I know the timelines are tight but is it possible or would it be beneficial to make use of the feedback form just as a way of organizing

[01:03:44] feedback even if it's not the same timeline I don't know if that's possible or helpful for the committee and I'm not on the committee but I wanted to pose that question certainly if that's board committee's direction we can open up the the normal you're some of the feedback form that we use for normal for policies we could do that and take that process if that's if that's the direction of the committee committee members any thoughts on that mr. Beatty yeah it's better than nothing mr. Sorokin I guess just one point of

[01:04:23] clarification do you want to support put this version yeah what would you like up for what do you want reviewed and for to have feedback we don't have anything ready for that type of review so I think maybe we can revisit that once we have something ready I just I'm not sure that the timeline will exist but I think that alerting our our partners I mean it is on board docs and what's happened is available for public review but since we're still exercising options and even the committee hasn't come to an agreement it would be difficult for

[01:04:59] anyone to give us feedback on what we've decided until we've decided so can we hold on that until we meet again okay thank you moving on to item number five is new business is there any new business being done we're adjourned thank you



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