



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: G - Personnel
POLICY TITLE: Employee Associations
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1. PURPOSE AND PHILOSOPHY

Nebo School District Board of Education recognizes the value of employee associations to the educational process and their interest in bettering the educational climate. This policy governs the relationship between employee associations and the District in accordance with Utah Code Ann., §53A-3-426 (also known as S.B. 56). This statute's Legislative Intent Language contained in the House Journal and in the Senate Journal states as follows: "It is the intent of the legislature that S.B. 56 not prevent school districts from establishing collective bargaining policies that would allow the designation of one teachers' association as the collective bargaining agent for the district based on objective criteria, such as predominant teacher membership in one teacher's association for wages, benefits, and working conditions (including uniform complaint resolution procedures) that would apply to all teachers, whether or not they are members of the predominant teacher's association. However, a designated collective bargaining agent may not negotiate more favorable terms for its members than its non-members, and teachers cannot be compelled to be represented in a complaint resolution procedure by a representative of a teacher's association to which they do not belong."

2. DEFINITIONS

2.1 "Certified Employees" shall mean any professional person who is employed by the District to perform educational services requiring licensure by the Utah State Board of Education and who holds a valid license for his/her position. Certified Employees do not include: Superintendent; Assistant Superintendents; Business Administrator; Assistant Business Administrators; Legal Counsel; Directors; Principals; Assistant Principals; Coordinators; Supervisors; Risk Managers; Classified Employees; or Nurses.

2.2 "Classified Employees" shall mean all employees except Certified Employees; Superintendent; Assistant Superintendents; Business Administrator; Assistant Business Administrators; Legal Counsel; Directors; Principals; Assistant Principals; Coordinators; Supervisors; Risk Managers; Classified Employees; or Nurses. The following groups of employees are included as Classified Employees: Bus Drivers; Bus Mechanics; Custodians; Matrons; Sweepers; Educational, Media, and Bus Technicians; Maintenance Personnel; Food Services Personnel; Secretaries; and Warehouse Personnel.

2.3 "Administrative Management Team" shall mean all employees who are paid on the Administrative Salary Schedule. The following positions are included as members of the Administrative Management Team: Assistant Superintendents; Assistant Business Administrators; Legal Counsel; Directors; Coordinators; Supervisors; Risk Managers; Principals; and Assistant Principals.

- 2.4** “**Association**” includes Certified Employee associations, unions, and organizations; and Classified Employee associations, unions, and organizations.
- 2.5** “**Negotiation**” shall mean an official process of District bargaining with a formally recognized Certified Employee Association or Classified Employee Association concerning wages, benefits, working conditions, and other employee issues. Successful negotiations will result in a written Agreement between the District and the recognized Association which will be in effect for the following school/fiscal year.
- 2.6** “**Meet and Confer**” shall mean an informal meeting between members of a classification of employees and the Superintendent or his/her designee for the purpose of having an open dialogue to discuss wages, benefits, working conditions, or other employee issues. Employee recommendations as to how to resolve issues are also appropriate. Employees may also present their concerns and issues in writing at or before such meetings. The District will determine what, if any, action will be taken regarding any issue raised in such meetings. The “Meet and Confer” process will result in a written Memorandum of Understanding between the District and the classification of employees. The Administrative Management Team does not negotiate, but will be involved in the “Meet and Confer” process with the Board of Education.

3. ASSOCIATION ACCESS

- 3.1** Nebo School District shall allow all employee associations’ access on the same terms and conditions to the following activities:
- 3.1.1** Distribution of information in or access to employee’s electronic mail, including e-mail accounts that are provided by the District, in accordance with applicable state law.
- 3.1.2** Membership solicitation activities at new teacher or employee orientation trainings or functions.

4. EXCLUSIVE BARGAINING AGENT

- 4.1** Subject to the qualifying criteria set forth in this policy, the Board of Education or its designee shall annually identify and recognize only one association to act as the exclusive bargaining agent to represent the Certified Employees of the District, and shall annually identify and recognize only one association to act as the exclusive bargaining agent to represent the Classified Employees of the District. The exclusive bargaining agents shall be the sole representatives of all Certified Employees and Classified Employees, respectively, for purposes of negotiating wages, benefits, working conditions, and other employee issues (including uniform complaint resolution procedures) regardless of whether or not an individual employee is actually a member of the respective Association.
- 4.1.1** To be identified and recognized as the exclusive bargaining agent for all Certified Employees or Classified Employees, the Association must be representative of their respective employees in accordance with Section 4.2 of this policy. Excluded are employees are those who are paid on the Administrative Salary Schedule; Substitutes; and Temporary or Seasonal employees.
- 4.1.2** If no Certified or Classified Association reaches the required percentage as per Section 4.2 of the policy, the Board of Education or its designee shall not select an exclusive bargaining agent. In such event, the Meet and Confer process, as defined above, will be followed between the Superintendent or his/her designee and representatives of Certified or Classified Employees, as applicable. For purposes of the Meet and Confer process, the representatives of the Certified or Classified Employees, as applicable, shall be selected by the Superintendent or his/her designee.

4.2 The determination of which, if any, Association shall be identified and recognized as the exclusive bargaining agent for a particular classification of employees shall be made as follows:

4.2.1 The Association shall be representative of their respective employees. In order to be representative, the Association must have more than fifty percent (50%) membership of the Certified or Classified Employees in the District. In order to determine the percentage of membership in a particular Association, the following formula shall be applied:

The number of all Association members who are properly registered (numerator), divided by the number of Certified or Classified Employees, as applicable, who have a 0.5 Full-Time Equivalent (FTE) or above (denominator).

$$\frac{\text{Number of Association Members}}{\text{Number of 0.5+ FTE Employees}} = \text{___}\%$$

This percentage shall be determined annually by the above formula as of the first Monday in January of each year for Associations representing Certified Employees and Classified Employees. Information needed to calculate the percentage shall be available from and provided by the District.

4.2.2 The Board of Education or its designee shall review the foregoing information and make a determination as to which Associations, if any, has attained the required membership (more than fifty percent (50%)) for Certified Employees and Classified Employees. Those Certified and Classified Employee Associations who have satisfied the required membership percentage shall be identified and recognized as the exclusive bargaining agent for the following school/fiscal year.

4.3 An Association may not negotiate more favorable terms for those employees belonging to the Association than for employees not belonging to the Association.

4.4 An Association may not negotiate complaint resolution procedures which require a Certified or Classified Employee to be represented in a complaint resolution hearing by a representative of an Association to which they do not belong.

5. PAYROLL DEDUCTION FOR THE BENEFIT OF EMPLOYEE ASSOCIATIONS

5.1 An employee may direct, in writing, that the District deduct from the employee's wages a specified sum for Association dues to be paid to the Association designated by the employee.

5.2 The District shall cease making deductions for Association dues from the wages of an employee for the benefit of an Association when the District receives a written communication from the employee directing that the deductions cease.

EXHIBITS

None

REFERENCES

Utah Code Ann., §53A-3-426, et seq. (a/k/a S.B. 56)

Legislative Intent Language – House Journal, 2007 General Session, Day 43, pgs. 1976-77.

Legislative Intent Language – Senate Journal, 2007 General Session, Day 22, pg. 525.

FORMS

None
