

Count on the COLLECTIVE BARGAINING EXPERTS

Since the 2007 Missouri Supreme Court decision affirmed collective bargaining rights for public employees, Missouri NEA local affiliates throughout the state have conducted successful campaigns to become bargaining agents for educators in their districts and have negotiated binding contracts. Several established local affiliates had already developed effective bargaining practices with school district administrators and school boards prior to the 2007 court decision.

MNEA offers a number of resources to help educators and administrators build strong collective bargaining practices in the effort to create great schools for every child.

MNEA.ORG KNOWLEDGE BASE

Learn more about collective bargaining, what it can do for educators in your district, its history in Missouri and more on Missouri NEA's website at www.mnea.org under Member Services and Collective Bargaining.

PARTNERSHIPS IN COLLABORATION

Missouri NEA works collaboratively with St. Louis area public education employers through Partnership in Collaboration, a program with a long history of advancing the use of interest-based bargaining.

BARGAINING ASSESSMENT

Missouri NEA's professional staff members work with local affiliates to assess their readiness to request exclusive representative status, a critical element in a successful collective bargaining process, and begin bargaining. MNEA UniServ directors, who serve as collective bargaining consultants throughout the state, are available to meet with local leaders. To request a consultation, call a UniServ director at the MNEA regional office nearest you.

COORDINATED BARGAINING COUNCILS

Missouri NEA initiated the formation of Coordinated Bargaining Councils in St. Louis and Kansas City. These councils offer training and assistance in developing quality bargaining relationships within their school districts. The goal of the CBCs is to align salaries, benefits and working conditions within a region to provide a unified structure that meets the needs of school districts and school employees.

MNEA BELIEVES IN THE CONSTITUTIONAL RIGHT TO COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES, AS AFFIRMED BY THE MISSOURI SUPREME COURT.

MNEA believes:

1. This constitutional right supersedes statute, or the absence of a statute.
2. In the absence of a statute, employers are responsible for recognizing and implementing this right in a manner that reflects all of the inherent elements of real collective bargaining.
3. The goal of all collective bargaining should be the creation of a legally binding and enforceable collective bargaining agreement. Following are the key elements necessary in collective bargaining:

Exclusive representation—Employees democratically elect an exclusive bargaining representative ready to accept the duty to represent all employees in the bargaining unit.

Good faith requirement—Both parties must meet in an honest, open, and sincere attempt to resolve differences and reach a binding agreement.

Ratification process—The tentative agreement must be presented as a total package. Both respective constituent groups (employee and employer) must vote to accept or reject the entire package, or bargaining resumes.

Resolution process—Students are best served when the collective bargaining process includes a formal, non-disruptive process for the resolution of impasse and disputes.



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Bargaining for Better Schools

Missouri NEA works with local affiliates and school districts to build productive, collaborative relationships through the collective bargaining process.



UNITE. INSPIRE. LEAD.

Collective Bargaining

provides an ongoing communication system between employees and employers resulting in signed agreements that are legally binding on both parties.

Building and maintaining a productive, collaborative relationship among school employees, administrators and school board members is most successful when the parties involved negotiate a legally binding contract through a well structured collective bargaining process. The contract provides long-term stability. Personnel may change, but expectations and the system for constructive communication between all parties remains constant.



SUCCESSFUL COLLECTIVE BARGAINING RESULTING IN AN ENFORCEABLE CONTRACT REQUIRES THE FOLLOWING **FOUR KEY ELEMENTS**:

◆ AN EXCLUSIVE REPRESENTATIVE

Employees have a constitutional right to select their own bargaining representative democratically. In every U.S. jurisdiction that recognizes a collective bargaining right, this right means holding a democratic election in which employees select a single organization as their exclusive bargaining representative. This exclusive privilege to represent includes the legal responsibility to enforce the contract. Exclusivity means the local selected to be the bargaining representative fully embraces its duty to represent all employees in bargaining and fulfilling a binding agreement with the district.

Employee councils comprising members from different organizations, also known as “umbrella” groups, do not meet the collective bargaining standard of selecting a single bargaining representative with the authority and legal standing to enforce the contract. Fragmented, multi-party negotiations result in insurmountable practical and technical barriers to the negotiation and ratification of a legally binding contract.

◆ GOOD FAITH REQUIREMENT

In 2012, the Missouri Supreme Court held that the collective bargaining right includes a duty to bargain in good faith. This reinforces Missouri NEA's belief that successful collective bargaining requires cooperation, collaboration and mutual respect. The court held that good faith is exemplified when both parties act honestly, openly, sincerely, and without deceit in a serious attempt to resolve differences and reach agreement. Bargaining in good faith is not only the surest way for collective bargaining to succeed as an instrument for creating great public schools, but it also is an inherent right of all Missouri employees.

MNEA'S ULTIMATE GOAL IS TO CREATE A GREAT PUBLIC SCHOOL FOR EVERY STUDENT. COLLECTIVE BARGAINING IS A VEHICLE FOR ACHIEVING THAT GOAL.

◆ A NON-DISRUPTIVE RESOLUTION PROCESS

Missouri NEA's ultimate goal is a great public school for every student. Collective bargaining is a vehicle to achieving that goal and should not disrupt school routine and the educational process. Therefore, a sound collective bargaining process must include a formal, non-disruptive process for the resolution of impasse during the bargaining process and for the resolution of disputes over the maintenance and implementation of the collective bargaining agreement.

◆ A RATIFICATION PROCESS

Every effective collective bargaining process must incorporate a member-ratification element. The two collective bargaining teams (employer and employee) present the tentative agreement as a package to their respective constituents. Then the constituents vote to accept or reject the entire package. If the majority of the constituents on either side reject any part of the package, bargaining resumes. A binding contract exists only after the two parties reach an agreement that constituents on both sides ratify and representatives on both sides sign.

A LEGALLY BINDING CONTRACT

The Missouri Supreme Court ruled unanimously that formal agreements entered into through the collective bargaining process are legally binding contracts. The locally negotiated collective bargaining agreement is a basic, indispensable tool for local control of local schools. A negotiated agreement between a local school district and the elected exclusive bargaining representative, education experts who are employees of the district, is a critical element in providing the ongoing communication necessary to provide a great public school for every student.



LEGISLATIVE RESPONSIBILITY

Missouri NEA maintains that the state legislature is responsible for enacting statutes that will ensure the full and prompt implementation of this constitutional right for all public employees. The failure of the legislature to carry out this responsibility in any way does not negate the right to collective bargaining. A constitutional right is not dependent on statute but rather controls and limits what is statutorily acceptable. In the absence of legislative action, the Missouri Supreme Court has charged public employers to bargain collectively, in good faith, with their employees and to honor the legally binding agreements that result. The legislature's failure to act does not provide a reason for employers to refuse to acknowledge and implement an established constitutional right. A right delayed is a right denied, and an employer's delay in implementing collective bargaining rights is unacceptable.

Something Better for Children and Public Education