

Guide for Negotiations and Impasse Procedures

The School Board of the Bon Homme School District believes that the educational welfare of the children of the district is paramount in the operation of the schools and that the development and fulfillment of educational programs of the highest quality require professional working relationships among the Board, administration, and staff. To promote and maximize these working relationships and in compliance with South Dakota Law, the School Board hereby adopts the following policy on negotiations:

The Board agrees to bargain in good faith.

The Board will negotiate salaries and other conditions of employment under requirements and subject to limitations set forth in South Dakota Law.

The Board will determine who will represent the Board in any negotiations. The Board negotiation team will always consist of fewer Board members than is required to do legal Board business. No agreement that may result from negotiations will become effective until it is accepted by the Board at a regular or legally constituted special meeting.

The Board will not, through the negotiations process, compromise its legal responsibility nor will it impair any employee's statutory or constitutional rights or privileges.

The Board will not require membership in any organization as a condition of employment nor will it discharge or otherwise discriminate against any employee because he/she signed or filed any affidavit, petition, or complaint pursuant to the SD Negotiation Laws.

South Dakota Law states that neither party to negotiations may be compelled to agree to a proposal or be required to make a concession.

Individual Board members will not negotiate privately with representatives of any employee negotiation unit.

If neither party requests intervention by the Division of Labor and Management within 10 days after impasse is reached, the Board will assume negotiations are completed and will institute the provision of the Board's last offer.

The Board will not interfere with or coerce employees in the exercise of their right to organize and will not dominate, interfere, or assist with formation, existence, or administration of any employee bargaining agent or contribute to its financial support.

No group of employees may discriminate in its membership on the basis of age, race, creed, sex, marital status, handicapping condition, grade level, or subject field.

The Board's recognition of a representative of an employee group for the purpose of good faith collective bargaining shall not be changed until changed through procedures provided in South Dakota Law.

The Board's representatives at negotiations shall have all necessary power and authority to present relevant data, points of view, make proposals, counter-proposals and to sign an agreement or to effectively recommend acceptance of an agreement. The internal organization of each team shall be determined by the organization it represents.

Ground rules for negotiations shall be established by the parties at the outset of negotiations.

When an agreement is reached it will be reduced to writing and submitted for approval to the Board and the membership of the Association for ratification.

In case of failure to reach agreement after full use of conciliation measures provided in SD Law, the Board will be responsible for making such decisions as it deems necessary for the operation of the school district.

IMPASSE PROCEDURES

In the event the Board and the employee negotiation teams are unable to reach agreement, and an impasse exists, the conciliation and fact-finding procedures outlined in state law may be requested by either party. The notice of an impasse must be in writing.

If neither party requests intervention by the Division of Labor and Management within 10 calendar days after impasse is reached, the Board will assume negotiations are completed and will institute the provisions of the Board's last offer.

Within five days of receipt of a fact-finders report, both parties will meet to discuss the report.

In case of failure to reach agreement after full use of conciliation and mediation, the Board will be responsible to make such decisions necessary for the operation of the school system.

Legal References: SDCL 13-18-8.1; 60-10-1; 60-10-2

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