



PERSONNEL – CERTIFICATED EMPLOYEES

BOARD POLICY – **NEGOTIATIONS, CONSULTATION**

BP 4143

The County Board of Education and the County Superintendent of Schools recognize its responsibility to represent the public's interests in the collective bargaining process. In ratifying agreements on employee contracts, the County Superintendent shall balance the needs of staff and the priorities of the SBCEO in order to provide students with a high-quality instructional program based on a sound, realistic budget.

The County Superintendent or shall establish a bargaining team to assist in analyzing contract provisions and conducting contract negotiations. The County Superintendent shall provide its negotiator(s) with expected outcomes and clear parameters for acceptable contract provisions which promote the realization of SBCEO's goals and priorities.

The County Superintendent and its bargaining team shall negotiate in good faith with exclusive employee representatives on wages, hours of employment, and other terms and conditions of employment identified in law as being within the scope of representation. (Government Code 3543.2)

When the SBCEO intends to make any change to matters within the scope of representation, it shall give reasonable written notice of its intent to the exclusive representative for the purpose of providing the exclusive representative a reasonable amount of time to negotiate with the SBCEO regarding the proposed changes. (Government Code 3543.2)

A reasonable number of representatives of the employee organization shall have the right to receive reasonable periods of released time without loss of SBCEO compensation when meeting and negotiating and/or for the processing of grievances. (Government Code 3543.1)

The County Superintendent and its bargaining team shall establish standards of conduct pertaining to the negotiations process for members of the bargaining team. Certain meetings related to negotiations shall not be open to the public in accordance with Government Code 3549.1 and 54957.6, except as otherwise required by law. Matters discussed in these meetings shall be kept in strict confidence in accordance with law.

The County Superintendent and its negotiator(s) shall not knowingly provide the employee organization with inaccurate information regarding the financial resources of the SBCEO. (Government Code 3543.5)

The County Superintendent shall monitor the progress of negotiations and carefully consider how proposed contract provisions would affect the SBCEO's short- and long-

term fiscal, programmatic, instructional, and personnel goals.

The County Superintendent or designee shall keep the public informed about the progress of negotiations and the ways in which negotiations may affect SBCEO goals unless otherwise agreed upon by the SBCEO and exclusive representative.

Once the final terms of the agreement have been ratified by the membership of the employee organization, the contract shall be presented to the County Superintendent for acceptance.

Any agreement adopted by the County Superintendent may be for a term not to exceed three years. (Government Code 3540.1)

In the event of an impasse in negotiations, the SBCEO shall participate in good faith in mediation and fact-finding procedures pursuant to Government Code 3548-3548.8. (Government Code 3543.5)

Following adoption of the collective bargaining agreement, any subsequent amendments shall be executed in writing and ratified by the County Superintendent or designee and the employees' exclusive representative.

Consultation

The exclusive representative of certificated staff may consult with the County Superintendent or designee on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Public Employment Relations Board
Decision
Website
Website
Website
Website
Website

Description

Berkeley Council of Classified Employees v. Berkeley Unified School District, (2008) PERB Decision No. 1954
[State Mediation and Conciliation Service \(SMCS\)](#)
[CSBA](#)
[Center for Collaborative Solutions](#)
[California Public Employment Relations Board](#)
[California Public Employee Relations](#)

State

Ed. Code 44987
Ed. Code 45210
Gov. Code 3540-3549.3

Description

Service as officer of employee organization (certificated)
Service as officer of employee organization (classified)
Educational Employment Relations Act

ADOPTED BY COUNTY BOARD:
REVISED:

February 2, 2023