

Goals and Objectives

It is the goal of the ~~b~~Board ~~of education~~ that employees participate, to the extent practicable, in the making of decisions affecting their wages, hours, and terms and conditions of employment through the processes of negotiations and/or meet-and-confer.

The ~~b~~Board, ~~s~~Superintendent, and designated representatives shall in good faith deal fairly and openly with the ~~d~~District's employees, endeavoring to reach agreement on matters which are the subject of negotiations and meet-and-confer sessions, while not intentionally abridging the legal powers and duties of the ~~b~~Board and ~~s~~Superintendent nor the constitutional and statutory rights and privileges of any employee.

The negotiations priority objective of the ~~b~~Board ~~of education~~ is that good faith negotiations and/or meet-and-confer activities with employees support the primary function of the ~~Jefferson County Public School~~ District, which is the education of children.

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Legal Status

- The ~~bB~~oard-of-education, in the absence of enabling state negotiations statutes, acting within its general powers and duties to manage the ~~Jefferson County Public School~~ District, may exercise its sole discretion to recognize officially an employee organization for the purposes of negotiations and/or meet-and-confer. Such recognition shall be subject to the limitations imposed by court decisions prohibiting the recognition of any organization as exclusive representative.
- The ~~bB~~oard may enter into and/or authorize the ~~sS~~uperintendent to enter into agreements and to issue memorandums of understanding.

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Scope of Negotiations

The ~~b~~B~~o~~ard ~~of education~~ and the ~~s~~S~~u~~perintendent shall authorize their representatives to negotiate and/or meet-and-confer with recognized employee organizations on matters considered by the ~~b~~B~~o~~ard to be the most appropriate for purposes such as wages, hours, and terms and conditions of employment.

The ~~b~~B~~o~~ard, ~~s~~S~~u~~perintendent, and designated representatives shall retain unto the ~~b~~B~~o~~ard, ~~s~~S~~u~~perintendent, and their agents the powers and duties conferred upon them by law which are necessary for the effective operation of the ~~school-d~~District and the educational programs for children.

When decisions and issues not directly relating to employee wages, hours, and terms and conditions of employment appropriately lend themselves to input of advice, expertise, information, and opinion from affected employees, the ~~s~~S~~u~~perintendent or designated representatives shall provide them opportunity for reasonable participation.

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**Negotiation Powers and Duties**

The ~~b~~Board ~~of education~~ shall retain solely unto itself the discretionary power to approve or reject the ~~s~~Superintendent's recommendations on negotiations proposals, parameters, and tentative agreements.

The ~~b~~Board shall continually assess the status of negotiations and provide guidance and general direction to the ~~s~~Superintendent.

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Negotiating Agents

The chief negotiator and other negotiation team members appointed by the ~~s~~Superintendent from among appropriate administrative staff shall represent the ~~b~~Board ~~of education~~ and the ~~s~~Superintendent in negotiations with recognized employee organizations.

The chief negotiator shall serve as spokesperson for the ~~b~~Board, ~~s~~Superintendent, and negotiation team; be authorized to initiate and obtain research necessary for negotiations; plan, organize, prepare, and develop negotiation strategy; secure and use such legal and special counsel as is appropriate; recommend other members of the negotiation team; and inservice, train, and assist the staff appointed to the team.

The ~~s~~Superintendent and/or designee shall meet with representatives of employee organizations recognized by the ~~b~~Board on a meet-and-confer basis and may develop memorandums of understanding between the organizations and the ~~s~~Superintendent covering those matters on which they are agreed.

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### Superintendent's Role

The ~~s~~Superintendent shall appoint the chief negotiator and such other negotiation team members as may be advisable and necessary, recommend to the ~~b~~Board negotiation positions on issues such as finance, management, personnel, contract language, and other similar issues, and determine communication and public information needs.

The ~~s~~Superintendent shall advise the negotiation team and have the authority to approve proposals and counterproposals which are within the parameters established by the ~~b~~Board and to recommend ratification or rejection of tentative negotiated agreements subject to final approval by the ~~b~~Board.

The ~~s~~Superintendent may delegate the responsibility for general administrative oversight of negotiations planning, organizing, and preparing; strategy developing; and monitoring of negotiations progress.

### WORK STOPPAGE

In the event that schools are closed as a result of a strike or other work stoppage or when schools are open and personnel fail to render services, the ~~s~~Superintendent shall have the authority, subject to approval of the ~~b~~Board-of-education, to waive or suspend any and all ~~b~~Board policies until such time as the ~~b~~Board determines the strike or work stoppage has ended.

### Administrative Action

In the event that schools are closed as a result of a strike or other work stoppage or when schools are open and personnel fail to render services, the ~~s~~Superintendent shall have the authority to take appropriate administrative action against individual personnel. ~~The Superintendent is authorized to do the following may:~~

1. ~~The superintendent may e~~Cancel or suspend payment for emergency leave as granted under [KRS 161.152](#) for any employee.
2. ~~The superintendent may e~~Cancel or suspend personal leave days as granted under [KRS 161.154](#) and the Board Policies ~~GCBD~~[03.1231/03.2231](#).
3. ~~The superintendent may r~~Require of an employee a certificate signed by a physician in order to approve payment for sick leave granted under [KRS 161.155](#) in the event there is information indicating the employee was able to work.
4. ~~The superintendent may a~~Administratively cancel, suspend and/or withhold payment for any group insurance, benefit, or deduction from salary for any individual employee as granted under [KRS 161.158](#).
5. ~~The superintendent may e~~Cancel or suspend all approved requests for vacation until such time as the strike or other work stoppage has ended.
6. ~~The superintendent may e~~Cancel or suspend all leave without pay until such time as the strike or other work stoppage has ended.

Superintendent's RoleWORK STOPPAGE (CONTINUED)Assistance to Personnel

In the event that schools are closed as a result of a strike or other work stoppage or when schools are open and personnel fail to render services, the ~~s~~Superintendent shall have the authority to take appropriate administrative action to assist individual personnel who make every effort to fulfill the duties of their employment. ~~The Superintendent is authorized to do the following may:~~

1. ~~The superintendent may a~~Authorize legal counsel to assist employees in taking whatever legal action is necessary to ensure that their individual rights and economic well-being are protected as a result of any injury sustained from a work stoppage.
2. ~~The superintendent shall t~~Turn over to the county attorney, commonwealth attorney, attorney general, or chief state school officer, as appropriate, any and all documents concerning potential violations of civil or criminal statutes.
3. ~~The superintendent shall be authorized to p~~Provide transportation of school employees to schools as the superintendent deems necessary.

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Negotiating Organizations

The ~~b~~Board ~~of education~~ may approve requests for recognition of employee organizations ~~which~~ that present satisfactory evidence during an administrative staff study that they represent a substantial number of employees. The ~~s~~Superintendent shall establish a procedure for considering such requests. The procedure shall contain a provision for certification of the evidence of representation by a neutral third party.

The ~~b~~Board may approve an employee representation election following the administrative staff study and recommendations.

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Privileges and Obligations

Employee organizations with which representatives of the ~~b~~B~~o~~ard ~~of education~~ and/or the ~~s~~S~~uperintendent~~ engage in the process of negotiations and meet-and-confer shall select the teams that represent them.

Representatives of the ~~b~~B~~o~~ard and ~~s~~S~~uperintendent~~ shall honor reasonable requests of recognized employee organizations as to time and place of meetings. Negotiations and meet-and-confer sessions during school/employee work hours may be scheduled at the discretion of representatives of the ~~b~~B~~o~~ard and ~~s~~S~~uperintendent~~. All preparation, discussion, and contacts by employees relating to negotiations and meet-and-confer shall take place so as not to interfere with the regular work assignments of employees nor interfere with the ~~school~~-~~d~~D~~istrict's~~ educational program for children.

Negotiations and meet-and-confer issues, positions and strategies, or conflicts between the ~~b~~B~~o~~ard or ~~s~~S~~uperintendent~~ and employees or employee organizations shall not be discussed by the ~~b~~B~~o~~ard, its agents, or ~~d~~D~~istrict~~ employees in the presence of pupils during school hours or during school-sponsored activities.

Employee organizations and their members and agents shall abide by and be subject to all ~~b~~B~~o~~ard policies and rules including, but not limited to, the following:

1. ~~the-u~~Use of school facilities,
2. ~~the-d~~Distribution and posting of information and material,
3. ~~the-u~~Use of the courier service, and
- 1.4. ~~the-p~~Procedures governing visitors to school centers and/or work locations.

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Staff Job Actions

The ~~b~~Board ~~of education~~ recognizes any employee job action as an illegal act and a breach of good faith and shall exert every reasonable effort to keep schools open and operating for the purpose for which they exist, the education of children.

The ~~s~~Superintendent shall develop and maintain an Administrative Plan for Work Stoppage, which shall be designed to keep the schools open and operating and which shall provide for appropriate action with respect to any employee organization or any employee participating in a job action.

RESULTS OF WORK STOPPAGE

Any organization recognized for any purpose by the ~~b~~Board ~~of education~~ that participates in a strike or other work stoppage against the ~~Jefferson County Public School~~ District shall lose recognition. All contracts, agreements, or memorandums of understanding developed pursuant to that recognition between the organization and the ~~b~~Board ~~of education~~ shall be canceled and be declared null and void.

In addition, ~~A~~an individual may not accept or hold employment with the ~~Jefferson County Public School~~ District if the individual participates in a strike or other work stoppage against the ~~d~~District.

RELATED POLICY:

11.14

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Meeting Procedures

Negotiations and meet-and-confer meetings between representatives of the ~~b~~Board ~~of education~~ and/or the ~~s~~Superintendent and representatives of employee organizations shall be conducted in accordance with the rules established by the representatives of the parties.

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**Cost of Negotiations**

- | The ~~bBoard of education~~ shall pay only the costs of its own negotiations and meet-and-confer representatives, its own legal costs, and its own costs of preparation and consultation services.
- | The ~~bBoard~~ shall not pay the costs of substitutes required for employee representatives for negotiations and meet-and-confer sessions during school/work hours.

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Release of Information

The ~~b~~Board ~~of education~~ authorizes information related to negotiations and meet-and-confer activities to be released through appropriate news media when such information is in the best interests of the ~~Jefferson County Public School~~ District. Such releases shall be subject to approval of the ~~s~~Superintendent.

Copies of negotiated agreements and memorandums of understanding shall be placed in the central administrative office for inspection.

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**Preliminary Agreements**

Any tentative negotiated agreement ~~or understanding~~ reached between designated representatives of the ~~bBoard of education and/or the sSuperintendent~~ and representatives of recognized employee organizations ~~is subject to~~ must be approved by the ~~bBoard~~ ed ~~in the case of negotiated agreements and approval by tThe sSuperintendent~~ may approve grievance resolutions and other agreements that are solely within the Superintendent's authority. in the case of memorandums of understanding, as well as being presented by employee representatives to their groups for acceptance or rejection. With the exception of grievance resolutions, the Superintendent shall report such agreements to the Board. The ~~bBoard's~~ designated representatives and/or ~~the sSuperintendent's~~ designated representatives and the employee representatives are expected to present tentative negotiated agreements ~~and understandings~~ to their respective parties and ~~in good faith to~~ urge acceptance in good faith.

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**Final Agreements and Memorandums**

- | The ~~bBoard of education~~ and the ~~sSuperintendent~~ shall cause to occur in a timely manner such action as is necessary to modify those policies, rules, and procedures essential for complying in good faith with negotiated agreements and memorandums of understanding, including the handling of employee grievances which may arise therefrom.

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**Impasse Procedures**

The ~~b~~Board ~~of education shall~~ authorizes the ~~s~~Superintendent to approve the use of negotiation impasse resolution processes, such as mediation and advisory fact-finding, offered through the Federal Mediation and Conciliation Service, the Kentucky Department of Labor, the Louisville Labor/Management Committee, and the private sector, provided ~~the~~ impasse resolution procedures in negotiated agreements are observed.

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Amendments and Renegotiations

The ~~bBoard of education~~ reserves unto itself the option to authorize any reopening of any provisions of negotiated agreements not subject to automatic renegotiation. The ~~bB~~Board assumes that negotiated agreements constitute a complete agreement on issues brought to the table and that they will be observed by the parties for the duration.

Grievance procedures brought before the ~~bB~~Board may only involve contract interpretation.

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