

State Board Decisions

Labor Relations

School System	Case No.	Issue	Important Tidbit	When it could help a Chief Negotiator
Baltimore City	04-29	Charge of unfair labor practice based on city board's delay of ratification <ul style="list-style-type: none"> placing conditions on agreements after "signed off on" bargaining reps not having authority to negotiate 	Based on 6-510 (d), the parties have failed to exhaust the statutory impasse procedure <ul style="list-style-type: none"> Can't use the State Board to bypass the step of impasse Mediation encourages the parties to formulate their own collective bargaining agreement 	When either party is frustrated with the progress and tries to prematurely go to the State Board for resolution
Carroll County	04-41	Determining process for the unit composition <ul style="list-style-type: none"> Non-certificated 	6505 (b) requires the local board to determine the composition of the unit in negotiation with any employee organization that requests negotiation about the unit composition. However, this doesn't always need to be separated from and precede contract negotiations	When parties need direction on how to apply 6-505 (b) specifically as it relates to timing of changing the composition of the unit
Harford County	08-35	Seeking a declaratory ruling, scope of bargaining issue, classification/placement on salary scale	Scope of bargaining issues must first proceed through the impasse process before being submitted to the State Board (<i>referred to Talbot case 1986</i>). A distinction was made if issue of negotiability came to State Board through grievance/arbitrator procedure versus negotiations	If you have an issue on the negotiations table you are arguing is illegal, you have to take it to impasse and have a mediator address it prior to asking the State Board to intervene

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Harford County	77-10	Adopting personnel policies to govern when a contract expires	<p>BOE has the power to unilaterally adopt new personnel policies to govern wages, hours and working conditions, but the “old ones” remain in effect (i.e. conditions in the previous contract) until they are expressly changed by the board.</p> <p>However, the State Board held “...in the absence of a collective bargaining agreement, Respondent should not put into effect any personnel policy which deprives its employees of any existing right or benefit unless such deprivation is accompanied by a full justification appealable to the State Board</p>	When you need to advise your board on what happens when a contract expires and you have not agreed on a new one
Howard County	06-07	Fair representation of the union when principal and teacher are in the same union	Union’s actions of conducting the poll among teachers “vote of confidence” in the principal were improper because it was contrary to the principal’s employment interests	When principals/teachers are in the same union and teachers are seeking union action to oust the principal

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Allegany County	05-27	Illegal subject of bargaining – giving preference in the transfer process	If the language can affect the transfer decision, it is illegal	When the union is arguing that factors to consider in a transfer is “procedure” and, therefore, legal.
Calvert County	07-05	Declaratory Ruling – Scope of Bargaining <ul style="list-style-type: none"> ▪ Is the budgeting process as it relates to the health benefit fund a proper topic to negotiate? 	A reserve fund is about a budgeting matter; the statute vests the local board with exclusive powers over the preparation and operation of the budget; statute precludes bargaining Caution “We might very well agree with the unions that the RSRF provision was a health benefit <u>if</u> it clearly created a legally cognizable fund to be held in trust for school system employees for the purpose of reducing the employee’s cost of insurance premiums in future collective bargaining negotiations.”	When the union wants to negotiate issues of how the board will spend the reserve in the insurance fund

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Harford County	05-24	Declaratory Ruling – Scope of Bargaining <ul style="list-style-type: none"> ▪ Is “just case” a legal topic of bargaining? ▪ What if one party is trying to compel negotiations on a permissive topic? 	“Power to appoint includes the power to remove.” Therefore, the negotiations of the causes for the imposition of discipline or for discharge of non-certificated employees is precluded by 6-201 (c) <ul style="list-style-type: none"> ▪ If one of the parties does not agree to negotiate, there is no negotiation on the permissive topic for that year ▪ 	When the support union brings forth a proposal relating to discipline and discharge matters
Kent County	05-12	Declaratory Ruling – Superintendent’s authority to redesignate staff who received extra duty pay as IEP chairs and now they don’t <ul style="list-style-type: none"> ▪ Is it 6-201 or wages? 	6-201 prevails Impact on wages is encompassed within the superintendent’s statutory authority to transfer personnel	When you need to advise the superintendent about the process of changing teacher assignments and it has salary implications
Kent County	08-26	Declaratory Ruling – Scope of Rulng <ul style="list-style-type: none"> ▪ Pay determination of the type of credits necessary for “plus 30” status 	Resurrection of an old friend “Mr. Balancing Test” Establishing the types of credits necessary to obtain a higher salary is more a matter of educational policy than a matter solely of salary wages. Requiring graduate credit is part of the local board’s goal to have highly qualified teachers	When a question arises as to the meaning of master’s plus 30

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Baltimore City	03-34	Scope of Bargaining <ul style="list-style-type: none"> ▪ Is reclassification of academic coach from 11mo to 10mo a legal topic of bargaining? 	Changing the status of a position from 11mo to 10mo is considered a reclassification and, therefore, an illegal topic of bargaining	When your board wants to reconfigure teacher assignments and adjust the work year from 11mo to 10 mo
Dorchester County	03-35	Scope of Bargaining <ul style="list-style-type: none"> ▪ Is scheduling 3 more work days a working condition or a matter of establishing the school calendar? 	Scheduling <u>when</u> days to be worked <u>is</u> part of the school calendar and, therefore, not negotiable	When you are considering altering the traditional work year for teachers