

MCSD Bargaining Team,

We would like to take a few minutes to discuss a couple of important issues that have arisen in negotiations this year.

First, we want to address any concerns brought forward about the MCEA negotiating team bargaining in bad faith.

Idaho Code 33-1272 Elaborates on the requirement that both teams bargain in good faith

For the purposes of this section, "good faith" means honesty, fairness and lawfulness of purpose with the absence of any intent to defraud, act maliciously or take unfair advantage or the observance of reasonable standards of fair dealing.

It was casually stated by Mr. Larsen yesterday that both teams have engaged in bad faith bargaining practices. We take this very seriously as a team and disagree that MCEA has exhibited bad faith bargaining behaviors.

It appears through our conversations that this assertion is based on misunderstandings between both teams about past practices that have guided negotiations in our district for many years. For example, when we initially negotiated parental leave, a huge accomplishment for both teams this year, the tentative agreement reached by both teams did not specify where that language would live. When we offered to place the language in an MOU, it was asserted that we were taking back an initial offer – a practice generally described as “regressive bargaining” – by attempting to propose a resolution that satisfied the needs of both teams to memorialize the tentative agreement that had been struck. Thankfully, through the collaboration of both teams and the work that happened in the policy committee, we were able to draft language in the negotiated.

Other disagreements about process and past practices – again, misunderstandings that may occur – also have been described as potential bad faith practices. For example, because we have not gotten to the point of negotiations of reviewing the rest of the negotiated agreement so that we can propose (and jointly agree with the district’s team) that no other items need to be addressed, we have engaged in bad faith bargaining.

Idaho Code 33-1273 Offers more definitions for the bargaining in school districts

"Negotiations" means publicly meeting and conferring in good faith by a local board of trustees and the authorized local education organization, or the respective designated representatives of both parties for the purpose of reaching an

agreement, upon matters and conditions subject to negotiations as specified in a negotiation agreement between said parties.

While it is true that the negotiated agreement expires on June 30th, it is understood and common practice around the state that we will continue operating under the previous agreement until a new negotiated agreement is ratified. Because we have a negotiated agreement with the district that contains compensation, benefits, and other “matters and conditions” specified within it, those items are all negotiable items. Indeed, that the district has brought forth a changes to the negotiated agreement – stemming from approved policy changes ahead of negotiations – we are actively engaged in re-negotiating these language pieces (transfer language and bereavement leave).

We are concerned that the district’s position is that they will not negotiate these items that have been proposed, especially since you have already proposed the language changes.

Our understanding from IEA general counsel is that the district cannot unilaterally impose changes to the negotiated agreement just because it expires on June 30th, and that position has been upheld by courts when evaluating cases brought under the Professional Negotiations Act (the set of collective bargaining laws for Idaho School Districts from 1970).

MCEA does not feel as though we are at an impasse. We are here and ready to negotiate any provisions of the negotiated agreement that the district would like to negotiate. We also wholeheartedly disagree that we have engaged in bad faith bargaining practices at any of our negotiations this year, and are hopeful that both teams can collaborate to negotiate language changes that address any challenges related to current language in the negotiated agreement.