

Policy 4243.1: Public Notice - Personnel Negotiations

Status: ADOPTED

Original Adopted Date: 07/01/2001 | **Last Revised Date:** 03/01/2007

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the position of each Board member in accordance with law.

Public Notice/Sunshining of Initial Proposals

CSBA NOTE: The process of notifying the public about initial proposals prior to starting negotiations is often referred to as "sunshining."

All initial contract proposals of the Board and an employee organization which relate to matters within the scope of representation shall be presented at a public Board meeting and shall thereafter be public records. (Government Code 3547)

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public Board meeting. (Government Code 3547)

After the public has had an opportunity to provide input, the Board shall adopt its initial proposal at a public meeting. (Government Code 3547)

New subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on any such subject by the Board, each Board member's vote also shall be made public within 24 hours. (Government Code 3547)

Public Disclosure of Proposed Agreement

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

CSBA NOTE: Government Code 3547.5 requires the Superintendent and chief business official to certify that the costs under the agreement can be met by the district during the term of the agreement and to itemize any budget revision necessary to meet the costs of the agreement in each year of its term. If the Board does not approve the necessary budget revisions, the County Superintendent of Schools is required to issue a qualified or negative certification for the district on the next interim report. Because Government Code 3547.5 requires that the certification be prepared in a format similar to that of the fiscal reports required by Education Code 42130 and 42131, the certification by the Superintendent and chief business official may be "positive," "negative," or "qualified." See AR 3460 - Financial Reports and Accountability.

The Superintendent and chief business official's certification shall be submitted to the Board prior to the Board's approval of the agreement. It is recommended that labor negotiators be instructed to make any agreements contingent on the certification and that district legal counsel be consulted as appropriate.

The Superintendent and chief business official shall certify, in writing, that any costs incurred by the district under the agreement can be met by the district during the term of the agreement and shall submit the certification to the Board prior to the Board's approval of the agreement. The certification shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term. (Government Code 3547.5)

CSBA NOTE: In Management Advisory 92-01, the California Department of Education (CDE) recommends that a copy of the proposed agreement be made available to the public prior to the day of the meeting. However, the district may determine the number of days that the agreement should be made available prior to the meeting, and should modify the following optional paragraph accordingly.

A copy of the proposed agreement shall be made available to the public prior to the day of the Board meeting.

CSBA NOTE: In Management Advisory 92-01, the CDE recommends that the Superintendent provide a summary of the major provisions and changes in the proposed agreement, as provided in the following optional paragraph. Also

see the accompanying administrative regulation.

The Superintendent or designee shall prepare a summary of the major provisions and changes in the proposed agreement.
