



AT A GLANCE
**A Guide To
Subjects
of
Bargaining**



*Produced by the MTA Affiliate
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- Reduction in Force procedures
- School calendar
- Seniority
- Staff parking
- Technological Change
- Temporary and long-term leaves of absence, both paid and unpaid
- Tuition benefits for employees and family members (Higher Education)
- Union leave or release time
- Workload issues including the following:
 - Number of classes taught
 - Length of classes
 - Structure of workday, i.e. block scheduling
 - Prep time
 - Duty-free lunch
 - Supervisory duties
 - Use of teachers or education support professionals as substitutes



This guide is intended to provide local leaders with a quick understanding of “mandatory subjects of bargaining” and a listing of some typical bargaining subjects which often arise in the educational workplace. **This is not an exhaustive list.** In fact, no exhaustive list is possible.

General Law chapter 150E is the Massachusetts Collective Bargaining Law governing public employee labor relations. Section 6 of that law imposes the following bargaining obligation on public employers:

The employer and the exclusive representative shall meet at reasonable times, including meetings in advance of the employer’s budget-making process and shall negotiate in good faith with respect to wages, hours, standards of productivity and performance, and any other terms and conditions of employment, including without limitation, in the case of teaching personnel employed by a school committee, class size and workload, but such obligation shall not compel either party to agree to a proposal or make a concession;

Whether a particular subject is a mandatory, permissive, or illegal subject of bargaining can be difficult to determine. One reason is that bargaining subjects often collide with managerial rights that “exclusively” belong to the public employer as a matter of state law or public policy. Other times, bargaining rights and managerial rights are inextricably linked. Questions may arise about (1) the difference between “decision” and “impact” bargaining, or (2) the difference between “successor” and “midterm” bargaining, or (3) waiver of bargaining rights. You should contact your Uniserv Consultant or, if necessary, the MTA Legal Division for assistance in answering these questions.

In any event, the general rule of thumb should be: if the employer makes a decision which you think affects your members’ wages, hours, or other terms and conditions of employment, don’t hesitate! Your right to bargain may be involved! Here are some subject areas over which bargaining often occurs and which are commonly addressed in bargaining agreements:

PERMISSIVE SUBJECTS OF BARGAINING

Permissive subjects of bargaining are non-mandatory subjects which the parties can agree to discuss, but neither party can insist upon a permissive subject to the point of impasse. If a permissive subject is agreed to by the parties, it is enforceable. There are a limited number of permissive subjects of bargaining. They most commonly include the following:

- Additional pay for providing class coverage for absent professionals
- Definition of the bargaining unit (Recognition article)
- Ground rules
- Retiree health insurance
- Settlement of pending unfair labor practices or grievances

MANDATORY SUBJECTS OF BARGAINING

Wages And Benefits

- ___ Additional pay for providing class coverage for absent professionals
- ___ Cafeteria Plans
- ___ Compensation for additional duties, such as serving on committees that meet after the regular work day/year
- ___ Course reimbursement
- ___ 403B Plans
- ___ Health and Welfare Trust Funds
- ___ Health insurance co-pays
- ___ Health insurance including percent splits, the number of plans, types of plans, and the plan design (PreK-12 only)
- ___ Impact of a decision to privatize services
- ___ Impact of Group Insurance Commission decisions (higher education only)
- ___ Initial wages for new positions
- ___ Longevity benefits
- ___ Payday schedules
- ___ Payroll deduction
- ___ Professional days for in-service
- ___ Regularly-scheduled overtime
- ___ Reimbursement for damage to vehicles or other personal property
- ___ Retirement incentives
- ___ Sabbatical leave
- ___ Salaries and advancement on salary schedule for course and degree completion
- ___ Salary differentials for completing specialized training
- ___ Salary differentials for working with students with serious medical needs
- ___ Sick Leave Benefits including sick leave banks and sick leave buybacks
- ___ Stipends for coaching and extra-curricular activities
- ___ Subcontracting out work traditionally performed by bargaining unit employees
- ___ Use of volunteers to perform bargaining unit work

Hours

- ___ Double sessions
- ___ Flexible schedules
- ___ Length of the work day
- ___ Length of the work year
- ___ Night meetings
- ___ Release time days

Standards Of Productivity And Performance

- ___ Mentor Programs, Orientation and Induction for new employees
- ___ Performance evaluation procedures and criteria

Conditions Of Employment

- ___ Acceptable Use Policies for Internet and E-mail
- ___ Agency Fee
- ___ Block scheduling
- ___ Children attending school in district where parent works (PreK-12)
- ___ Class size
- ___ Compulsory Job Training
- ___ CORI checks
- ___ Distance Learning including preparation, payment, and royalties
- ___ Dress codes
- ___ Grading procedures
- ___ Grievance and arbitration procedures
- ___ Health and Safety issues including building issues and student violence issues
- ___ Inclusion
- ___ Intellectual property rights
- ___ Involuntary transfers
- ___ Issues arising from building construction and renovations
- ___ Job descriptions
- ___ Just Cause and Due Process in disciplinary matters
- ___ Maternity/Paternity Leave
- ___ Mentoring
- ___ On-premise access to employees for transaction of union business
- ___ Past Practice provisions
- ___ Personnel files
- ___ Procedures for assignments and transfers