

# Board Policy

**Personnel**

**BP 4143.1**

## **Public Notice - Personnel Negotiations**

\*\*\*Note: 8 CCR 32900 mandates the Board to adopt a policy on public notice implementing Government Code 3547 and 3547.5.\*\*\*

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.

- (cf. 1100 - Communication with the Public)
- (cf. 1112 - Media Relations)
- (cf. 4141/4241 - Collective Bargaining Agreement)
- (cf. 4141.6/4241.6 - Concerted Action/Work Stoppage)
- (cf. 4143/4243 - Negotiations/Consultation)
- (cf. 9000 - Role of the Board)
- (cf. 9010 - Public Statements)
- (cf. 9011 - Disclosure of Confidential/Privileged Information)

## **Public Notice**

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 meeting and shall thereafter be public records. (Government Code 3547)

- (cf. 1340 - Access to District Records)
- (cf. 9321 - Closed Session Purposes and Agendas)
- (cf. 9321.1 - Closed Session Actions and Reports)

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 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 member's vote also shall be made public within 24 hours. (Government Code 3547)

## **Public Disclosure**

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)

\*\*\*Note: In Management Advisory 92-01, the California Department of Education 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 the agreement should be made available prior to the meeting. In addition, the CDE recommends that the Superintendent provide a summary of the major provisions and changes in the proposed agreement. See the accompanying administrative regulation.\*\*\*

### **Certification of Agreement**

\*\*\*Note: AB 2756 (Ch. 52, Statutes of 2004) amended Government Code 3547.5 to require 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, it appears that the certification by the Superintendent and chief business official may be "positive," "negative," or "qualified." See AR 3460 - Financial Reports and Accountability.\*\*\*

\*\*\*Note: The statute does not specify whether the Superintendent and chief business official's certification must be received prior to the Board's approval of the agreement and whether the Board has the authority to approve the agreement in the absence of such certification. However, a common sense reading of the statute would seem to require that the Board act based upon the certification of the Superintendent and chief business official. CSBA strongly recommends that protocols for negotiation be developed instructing labor negotiators to make any agreements contingent on the certification and that district legal counsel be consulted as appropriate. \*\*\*

Before the Board approves any agreement, 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. 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)

(cf. 3460 - Financial Reports and Accountability)

#### Legal Reference:

##### EDUCATION CODE

42130-41234 Financial reports and certifications

##### GOVERNMENT CODE

3540.2 Meeting and negotiating in public educational employment

3547 Proposals relating to representation; informing public

3547.5 Major provisions of agreement with exclusive representative

##### CODE OF REGULATIONS, TITLE 8

32075 PERB regional office defined

32900 EERA and HEERA public notice: requirements for governing boards to adopt policy

32910 Filing of EERA or HEERA complaint

#### Management Resources:

##### CDE MANAGEMENT ADVISORIES

0515.92 Public Disclosure of Collective Bargaining Agreements, 92-01

**CSBA PUBLICATIONS**

Public Notice and Disclosure, Resource Guide for Employment Relations, December 1996

Maximizing School Board Leadership: Collective Bargaining, 1996

**WEB SITES**

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

Fiscal Crisis and Management Assistance Team: <http://www.fcmat.org>

Public Employment Relations Board: <http://www.perb.ca.gov>

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**GRAVENSTEIN UNION SCHOOL DISTRICT  
Sebastopol, CA**