



ACCT LEADERSHIP CONGRESS NYC – October 24-17, 2018

TRUSTEES' ROLES AND RESPONSIBILITIES IN COLLECTIVE BARGAINING Community College League of California National Center for The Study of Collective Bargaining in Higher Education and the Professions, Hunter College, City University of New York

Trustees need to have an understanding of the issues and procedures in collective bargaining to fulfill their roles as trustees. The Community College League of California (CCLC) and National Center for the Study of Collective Bargaining in Higher Education and the Professions, Hunter College, City University of New York, provides the following information to help educate trustees about labor negotiations.

Legal Imperatives:

1. Trustees have a fiduciary duty to make informed decisions about District finances, contracts, and personnel.
2. Districts and unions have a legal duty to bargain in good faith concerning first and successor collective bargaining agreements. The duty to negotiate in good faith attaches to mandatory subjects, i.e., terms and conditions of employment, and can attach to permissive subjects as well. There is also a duty to negotiate over the impact of a managerial decision upon demand.
3. If a final agreement is reached, both sides are obligated to observe its terms and provisions until its expiration or the agreement is modified by mutual assent. Both parties are obligated to administer the agreement, which includes processing and determining contract grievances.



Trustees' Roles in the Negotiations:

1. Trustees may help in selecting or endorsing a negotiations team and its chief spokesperson following the recommendation of the District's CEO and Chief Business Officer. The bargaining team should have members with sufficient skills and experience to be able to organize and analyze relevant materials relating to proposals presented by the District and the Union
2. Prior to the commencement of bargaining, the District's bargaining team should have developed a list of specific bargaining demands that are reviewed by the trustees.
3. During executive sessions, trustees may consult and ask questions of District representatives concerning the status of negotiations. Trustees can help set the future direction of the District's positions in collective bargaining.
4. Once a tentative contract is reached, the Board of Trustees is responsible for being informed of the terms of the tentative contract and in determining whether to ratify it or not.

Collective Bargaining Dos and Don'ts for Trustees:

1. The Board should support the District in its approach to collective bargaining whether it be traditional, interest-based, or another collective bargaining approach.
2. The entire Board should meet early in the collective bargaining process to discuss the issues with District representatives who have firsthand knowledge of the collective bargaining relationship, the terms of the current contract, and the probable issues that will be raised during negotiations. As part of that meeting, there should be a discussion about the local and statewide financial situation and labor negotiations at other comparable community college districts, and the District's culture and role in the community. Strategies for successful bargaining should be developed.
3. The Board should encourage the negotiations team to collect bargaining ideas from every level of the organization and translate them into specific proposals.



COMMUNITY COLLEGE LEAGUE
OF CALIFORNIA

NATIONAL CENTER
for the Study of Collective Bargaining in Higher
Education and the Professions
HUNTER
The City University of New York

4. The Board should discuss parameters of the negotiations and desired outcomes.
5. The Board should expect the chief negotiator or CEO to present regular updates concerning the status of negotiations in executive sessions of the Board of Trustees.
6. The Board should discuss the financial context and evaluate the costs of all proposals along with the short- and long-term consequences for all contemplated scenarios.

Don'ts:

1. Board members should not be on the District's negotiations team.
2. The Board and its members should not discuss negotiations, publicly or privately, formally or informally, or reveal the content of Board conversations as they pertain to collective bargaining, unless authorized to do so.
3. The Board should not adopt inflexible positions on issues during the negotiations.
4. The Board should not make decisions or take positions that have not been fully vetted with the entire Board and the District CEO.
5. The Board should evaluate all financial scenarios and options over the full length of the contract and beyond.
6. It is not a good practice for the Board or its members to have discussions with representatives or members of the employee bargaining units.

Learn More: [Collective Bargaining in Higher Education Conference on April 7-9, 2019 in NYC](#)

The National Center for the Study of Collective Bargaining in Higher Education and the Professions is a labor-management research center at Hunter College, City University of New York. Its next national conference will be taking place on April 7-9, 2019 at the CUNY Graduate Center in New York City. For more information contact national.center@hunter.cuny.edu.