



BOARD COMMUNICATIONS DURING NEGOTIATIONS

Communication has always been recognized as an essential component of successful negotiations. However, discussions of communications during negotiations have generally focused on developing and improving the parties' ability to effectively present information to each other in the privacy of the bargaining room. Far less attention has been given to establishing effective communications with other interested parties who are not seated at the bargaining table. This aspect of communications during negotiations has generally been governed by the accepted concept that confidentiality and privacy is important to the development of a mutual settlement; as such, both parties automatically extended their existing practices of releasing information outside the bargaining room. Traditionally, these practices have involved: each party's exclusive responsibility to communicate with its constituency in the manner it deemed most appropriate; agreement to a news "black-out" ground rule; and the general understanding that communication with the public would be reserved to announcing the settlement or to managing a visible crisis in negotiations.

In recent years, however, board members have increasingly questioned the effectiveness of these practices on their bargaining efforts. Repeated experiences with the union's failure to keep its membership accurately informed, the union's selectively timed, unilateral decision to break the news black-out ground rule to release partial or inaccurate information to the public, and the board's perceived inability to "set the record straight," have led to a growing realization that the traditional forms of communications during negotiations work against boards of education. Therefore, boards have been searching for new ways of communicating during negotiations.

An awareness of the need to reassess familiar but unproductive methods is always essential to maintaining effectiveness. However, to assure that new means of communications result in the desired productive and supportive environment, boards must give careful consideration to their new direction. Boards cannot simply abandon the old to stumble through their communications efforts in an automatically reactive or haphazard manner. Rather, boards must carefully consider their communications strategy to develop a consistent, well-planned approach that meets their responsibilities to

their communities and to their negotiations obligation. A redefined approach to effective board communications during negotiations can result from boards' understanding of why they want to communicate, what should be communicated, how their communications will be most effective, when and to whom the information should be released.

Why Communicate

The first step in establishing effective board communications involves an understanding of why you want to communicate during negotiations. What is it that you want to achieve by communicating? Is your intent to negotiate in public or do you simply wish to give the public an objective understanding of the parties' progress towards a settlement?

Most boards of education are not seeking to establish "Sunshine Negotiations," where all bargaining sessions occur in public. This new structure would not only involve adjustments in the process but would also require the union's agreement to open the doors of the bargaining room. The inherent complications of sunshine negotiations, which include the requirement to post notices of all bargaining sessions as well as both parties' uncomfortable adjustment to the presence of uninitiated third parties, have resulted in both parties' rejection of this approach as an unpractical and inadvisable complication. Boards that understand the process of sunshine negotiations and continue to see it as a viable alternative can raise a proposal to seek their unions' agreement to this approach.

However, most boards do not seek to open the negotiations process. Their desire to communicate with their public is not based on a rejection of the confidentiality and privacy of bargaining sessions; rather, it is based on an understanding that the union's selective flow of information interferes with the board's ability to bargain effectively. Boards want to prevent the misunderstandings and erroneous conclusions that are fostered by one-sided information; they want to assure that the community has access to all points of view and accurate as well as timely information. Boards want to be in control of their communication because they know that an ill-informed public is unprepared to understand the union's assertion that the board is refusing to reach an agreement with the

union and to bring an end to the district's ongoing, and possibly disruptive, labor dispute.

Therefore, boards' reasons for establishing communications with the public are directly related to boards' desires to reach a settlement that best meets and protects their districts' interests. Every aspect of the district's communications plan should reflect this basic board purpose.

How to Communicate

The purpose of communication, in any context, is to share information. How the information is presented depends upon the situation surrounding the effort to communicate. Boards must therefore determine how the presentation of their information must be influenced by the context of their negotiations and their reasons for communications.

Establishing Credibility

An assessment of what type of information is most effective in establishing credibility can help boards to determine how to communicate. Daily experience indicates that not all presented information is given the same degree of reliability and credibility. For example, an advertising campaign designed to sell a product will focus exclusively on the benefits of the purchase for the customer; however, a review of similar products in a consumer advocate publication, designed to inform the customer, will provide all relevant facts about the product that is necessary for the customer's ultimate decision. Both sources of information are designed to influence the customer's choice: the first by presenting only supportive information; the second by presenting and explaining facts which frequently speak for themselves. Not surprisingly, the approach taken in presenting information affects the recipient's reaction: aware that the advertiser's self-interest is reflected in the presentation of selective information, customers tend to receive the message with a degree of skepticism, but the source of factual, objective information is deemed to have a higher level of reliability and credibility.

Avoiding Posturing This general reaction to the communicator's information suggests that boards would be well-served to avoid public posturing. Taking an approach that is based on information and explanation of the issues, rather than "selling" or defending a particular position, will enhance school boards' credibility. Communications that present objective facts will be seen to provide information necessary to obtaining a full perspective and will support the board's status as representative of the community's interests. On the other hand, selective information that attacks the union's position or that overstates the board's position can be seen to serve board members' personal, rather than the community's, goals. The need to avoid public posturing is further emphasized by the realities of the bargaining process.

Understanding the Realities of the Bargaining Process Those involved in collective bargaining are well aware that the process involves movement from initial, and interim, positions. The give-and-take of issues, the ability to shape consensus on individual issues as well as on the total settlement, and the parties' flexibility to engage in that movement, are basic components of reaching a negotiated agreement. However, these dynamics of negotiations are rarely understood by the public at large, or even by members of the school community, who have not been directly involved in bargaining.

The inherent movement in collective negotiations dictates the nature of boards' framework for communications during negotiations. Communication that is designed to gather support for any specific board position is likely to backfire, as that board position may need to be modified to obtain the best possible settlement. For example, a board of education was intently pursuing a "below county average settlement"; when mediation was unsuccessful, the board responded to the union's increasing public relations campaign by releasing its "firm" salary position to the press. The community heartily supported the board's "last offer"; editorials and taxpayers' petitions lauded the board's position. When the board accepted a favorable below-county average factfinder's recommendation (which also included a longer work year and cost containment measures in the district's prescription and dental plans), the community was outraged because the agreed-upon increase exceeded the board's publicized last position by \$200 per teacher. In spite of a most favorable settlement that served the district's best interest, the board was generally perceived as having "crumbled" and having "sold out."

Positions change during bargaining, but limited information, designed to support a very specific position, cannot be modified to reflect the inherent movement of negotiations. On the other hand, broad information that presents the district's facts, rather than advocating a specific position, can support a board's ultimate agreement to the terms of a settlement. For example, the board discussed above could have retained credibility, and the community's backing, if it had not released its specific "firm" position but had explained that the community's ability to pay could not support the teachers' publicized goal to obtain the "county average."

Certain situations, however, require the release of a specific position. For example, the need to correct the union's inaccurate characterization of the board's position or an announcement of the parties' position in mediation, or another stalemate, may call for the release of specific figures. Under those circumstances, boards should indicate that this was their last official position and that they are continuing their good-faith efforts to reach a mutual agreement.

The realities of the bargaining process also affirm that negotiations will, sooner or later, result in a settlement. School negotiators understand that the settlement may represent a consensus, rather than any party's most

desired position. The costs of continued disagreement will be balanced with the assessed chances of achieving a better settlement in the future. These difficult and delicate deliberations do not lend themselves to easy explanations. However, these realities must be anticipated in the decision of how to present the information as well as in the tone of the presentation.

The Tone of the Presentation Regardless of the context or content of their communications efforts, board members are always advised to be calm, objective and responsive without becoming emotional, angry or disrespectful. This advice is especially essential in communications during negotiations. Communication that has been designed to “sell” one perspective tends to polarize the community and to increase the parties’ posturing. Its end result can limit both parties’ flexibility and complicate the ability to reach a settlement. On the other hand, communication that is based on information and explanations fosters objective written and oral presentations. Factual communications can, on their own, highlight the unacceptability of the union position without focusing the opposition on individual union officials or on the staff. The point is made without hostility and without personalizing the dispute. This approach not only facilitates subsequent negotiations but also permits the parties to conclude negotiations, and to live with the new agreement, without lingering personal resentment.

Managing Communications

To be effectively managed, a board’s conceptual understanding of how it wishes to communicate must be consistently implemented. This requires the designation of a “spokesperson” for the board who understands the board’s intent as well as the negotiations process. All board information concerning negotiations should be prepared, or at least reviewed prior to release, by the official designee. This centralization assures consistency in content and tone; it also assists the board to speak in a unified voice.

The selection of the district’s spokesperson requires careful consideration. Some districts will assign the responsibility to the superintendent, a central office administrator in charge of personnel or public relations, the board president or the chairperson of negotiations. The individual’s title is far less important than the qualities that the designee brings to the task. The designee should be articulate, have the ability to remain calm and focused on the issues at all times, and have a full understanding of the issues involved in communications during negotiations. While the district spokesperson does not need to be a member of the board’s bargaining team, it is essential that good communications are established and maintained between the team and the designee. All district releases, including statements at public meetings, must be coordi-

nated with the board’s ongoing and anticipated negotiations strategies and must be cleared with the board’s negotiator.

It is also important that all board members respect the designee’s authority to be the only spokesperson in the district in matters involving negotiations. Unauthorized releases of information can damage the board’s position in negotiations as well as its attempts to provide consistency in its communications.¹ However, a single spokesperson can effectively coordinate the district’s communications efforts to assure that the board’s reasons for communicating are supported and enhanced by how the board communicates.

Selecting the Forum For Communications Boards have a variety of vehicles for communicating with the public. These include: public board meetings, district newsletters, press releases, interviews with the media, and presentations at meetings of various community groups. All of these communications opportunities should be explored by the board and the district’s spokesperson.

It should be kept in mind, however, that effective communications requires a process, rather than a single, solitary release of information. Negotiations, and its outcomes, are not isolated district experiences. Rather, a board’s contractual obligations, that may represent over 75% of a district budget, have an immense impact on the allocation of funds to other district responsibilities. A community that is informed of the impact of a negotiated contract on all district operations is far more likely to understand and support the board’s inability to agree with the union’s demands. Educating the public on the pervasive implications of negotiated provisions should, however, be an ongoing board effort that is not limited to years of contract negotiations. For example, every public budget hearing, including those occurring in years when the board is not involved in negotiations, can become a vehicle to inform the community as to the limitations of district resources and the impact of negotiated commitments; public discussions of staffing needs and instructional time are opportunities to explain how the contractual cost of employment and work hour provisions affect the board’s ability to manage the district’s program. These “routine” board meetings can become opportunities to begin to inform the public, especially during years of nonnegotiations, as to the importance of a negotiated contract to other district operations and programs. However, it is important to remember that these issues must be discussed dispassionately and objectively; all temptations to blame the union or to characterize the union as uncaring and insensitive to the needs of students must be avoided. Thus, in all forums of communications, boards must ensure that the purpose of their communication efforts is supported by the tone and the contents of their releases.

¹For a complete discussion of board members’ role in negotiations, please see the article on “A Board Policy on Negotiations” in the Bargaining

What to Communicate

What will be communicated will depend on the history of the district's negotiations, the issues on the table, and the progress of negotiations. Generally, however, communications will fall under two types of information: process and issues.

Process

Communication of the bargaining process focuses on explanations of the joint decision-making required by law. Objective information on the legal provisions affecting negotiations in school districts can be welcomed by a community interested in the process; it is also useful and perhaps necessary to explain why the board cannot unilaterally choose to cut benefits or to set teachers' salaries. Factual information on available impasse procedures may be indicated, particularly if the district is entering mediation for the first time. An objective, factual presentation of the law's provisions for the voluntary resolution of negotiations impasses, including a reference to the number of districts using the procedures, can provide an important reference point that defuses attempts to characterize the district's impasse as a "crisis" in the labor relationship.

Boards may also be well-served by explaining that the obligation to negotiate in good faith does not hold a requirement to concede on any issue that is on the table. Explaining that the "good faith" obligation is required of both the board and the union can be very important in helping the community understand that the board is not the reason for the absence of a settlement.

Communicating the nature of the bargaining process helps the community to understand the factors affecting the district's movement towards a settlement. It is important to note that ground rules imposing a news "black-out" generally refer to the progress of the parties' negotiations. These ground rules should therefore not prevent a board from informing the public on the legal framework governing negotiations. In addition, the news "black-out" ground rule cannot limit the community's access to public information, even though some of this information may be the subject of ongoing negotiations.

Issues

Employees' terms and conditions of employment are always issues in negotiations. However, the salary guides, as well as all other contractual provisions, are public documents. Boards can therefore present information concerning the district's work hours, benefits and salaries. However, boards should avoid listing individual teachers' names and salaries; even though individual teacher's salaries are public information, this can become a highly explosive and emotional tactic that can backfire. It is far

more prudent and productive to present salaries on the basis of years of experience or in terms of the district median or average teacher salary.

Placing your district's salaries in perspective can also be helpful.² Comparing your district's contractual terms to that of other districts may explain the "norm" of teacher employment in your area as well as in the state. Be prepared to explain any significant variations between your district and others, and be ready to correct any inaccuracies in the union's press release. However, do so calmly and objectively. Avoid the "gotchas."

Boards can also discuss the district's resources even in the presence of a "black-out" ground rule. The community's ability to pay, budget caps, state aid, increasing costs of insurances, and the realities involved in allocating limited funds are all matters of public information which cannot be denied to the community.

In the absence of a ground rule, or after the union has "gone public," a board can present the costs of union proposals, and their impact on the district's budget. A board can, and should, correct inaccuracies in the union's information. However, all of these issues should be carefully reviewed by the district's official spokesperson to assure that the timing, the tone, and the contents of these communications serve the district's best interest rather than reflect an angry, reactive and passing mood. Presentation of issues must remain calm, explanatory and factual and must be related to the board's reasons for communicating.

What you are basically trying to communicate, through all your factual information, are the issues that the board must consider in reaching a negotiated agreement. What you communicate should be designed to explain your decision-making. Faced with facts and objectivity, the community may not agree with you, but is far more likely to understand your reasoning and to support your efforts to reach a reasonable and responsible settlement that serves the district's needs.

However, this conclusion is predicated on the assumption that all your information and "facts" have been scrupulously accurate. Any "mistake" can destroy your credibility and turn your well-intended efforts against you and future boards. Check and double check your "facts" and interpretations; avoid uninformed "off-the-cuff" comments; check with your spokesperson; do your homework or do not release the information.

When to Communicate

In all discussions of bargaining skills, the issue of timing is the most problematic and difficult to address. The timing of boards' communication requires a delicate balance between what the public should know and the effect of information release on ongoing negotiations.

²Information on this, and all other, data resulting from negotiated settlements are available to members in the "Negotiations Data" section of the Labor Relations page on NJSBA's web site at www.njsba.org.

Consider, for example, the effect of a board's planned information campaign, launched a few weeks after the bargaining teams' first meeting, that involved frequent press releases designed to stress the district's high salaries in comparison to those of selected surrounding districts. Did this strategy contribute to the prolonged and acrimonious negotiations which occurred in the district? On the other hand, consider another board's release of the same information after the union attacked the board for failing, during a mediation session, to agree to improve their noncompetitive status. Was the settlement, which occurred at the next mediation session, influenced by the board's communication effort? Timing is an important, but generally intangible, factor in effective communications during negotiations.

However, there are certain "landmarks" in negotiations that call for explanations. For example, the onset of negotiations presents a perfect opportunity for the board to objectively communicate the nature of the bargaining process to the community. Progress reports can then be released periodically, without specific delineation of positions, by the board or, if required by the parties' ground rules, by a joint news release.

Another landmark may be found when the parties are entering mediation or factfinding. At that time, communications should include explanations of the process and should stress the legal basis of the procedures as a means of assisting the parties to reach their own settlement. Boards should also use this opportunity to once again, express the board's continued commitment to negotiate in good-faith to reach a settlement that is in the district's best interest.

The public release of factfinders' and super conciliators' reports, as required by the 2003 amendment to the PERC Law, can be additional triggers to communicate with the public. At those times, it may be important for a board to inform the public of various fundamental aspects of the process, such as: the legal expectations that these recommendations are not legally binding and that the local parties must still reach their own mutual agreements; that neutrals' role under the law is to find areas of possible settlements; and that, unlike the board, the law does not require neutrals to be accountable to the community. Further, the release of these reports provide another opportunity for the board to support its position with the facts and comparative data it prepared and presented for the neutrals' review and consideration. (For a full discussion of the neutrals' roles, please see *The Negotiations Advisor* article "Factfinding and Beyond.") This factual context can provide public support for the board's positions as well as foster the perception that these positions are based upon logical and valid board goals that are designed to meet the community's and taxpayers' needs and interests.

Similarly, the approach of a new school year without agreement to a new contract, may require an explanation. At this time, the board can inform the public that employees will be working under the protection of the

"old" contract and continue to receive all existing benefits which may, in some districts and with some contracts, include automatic raises for those who have not reached the maximum step on the guide. At these times in the negotiation process, board communications which are calm, factual and objective, defuse the possibilities of having these "normal" situations turned into local crises. Communities that understand the context and established procedures of negotiations are not likely to rally against an "unfair" board.

Boards should be prepared to release well-planned communications. Informative pieces on impasse procedures and "expired" contracts can be written in advance, when the mood in the district is calm and objective, to meet the district's intent of providing information in the event the need arises. Advance preparation can assure accuracy of content and tone as well as a readiness to communicate necessary and timely information. Further, as boards' preparation for negotiations results in the gathering and analysis of bargaining data, possible "news releases" and information appropriate to potential pieces of communication should be prepared and *filed* for the possibility of future use. They should not be released, however, until the time is "right."

Determining the appropriate time to release background information on the issues is a judgment call. There are, unfortunately, no absolute external guideposts, such as the beginning of a school year, to indicate the need for information on the issues. Boards will need to consider the status of the ongoing negotiations sessions before releasing information on the issues. While boards would prefer to be in the forefront of informing the public and to avoid circumstances in which they appear defensive and reactive, premature publicity of the issues may harden the union team's bargaining position and interfere with the movement of negotiations. The timing of board information must therefore involve close communication with the board's negotiations team and must be tactically related to the board's negotiating strategy. While negotiations are progressing, no matter how slowly, boards may be best served by limiting their releases to "process" rather than "issues."

Remember, the underlying reason you have decided to communicate is to help you achieve a productive and protective settlement. Your decision to discuss the issues in public must be related to your basic purpose for communicating. Therefore, any communication which could hold the potential for damaging, or interfering with, your ability to reach a desirable settlement should not be released. The worst possible scenario of not releasing information on the issues is that the union will be the first to "reach" the public. Boards' management of this possible outcome is far easier than controlling negative reactions to a poorly timed board release. Particularly when occurring in the context of prior board communications on the process, a board response that focuses on the issues in an objective, factual manner will not sound defensive or self-serving; rather, it will be seen to provide

a base of information that adds a necessary perspective to the union's position. Therefore, many boards have determined that it is far more prudent to wait to release information on the issues until the union "goes public."

It must be kept in mind, however, that "going public" may involve more than union press releases or statements at public board meetings. Union boycotts of scheduled district activities, as well as other public expressions of dissatisfaction with the progress of negotiations,³ may appropriately call for a public board response which defines the issues in dispute as well as explains the pressure points involved in negotiations. Obviously, to be most effective, these board communications must remain objective and avoid attacks on the union and its leadership. Communications which characterize one side as unreasonable and irresponsible are likely to be dismissed as defensive and self-serving by segments of your audience.

With Whom to Communicate

An essential step in effective communications involves identifying the audience targeted to receive the information. Since the purpose of school boards' communications during negotiations is to keep the community informed, boards' efforts are generally aimed at the community-at-large. However, the school community consists of diverse groups of individuals, including parents as well as school employees, and boards may consider initiating direct communications specifically designed to address the special interests of these groups.

The Community-At-Large

Communicating with the entire community is generally accomplished by official board statements issued at public meetings or as press releases. These efforts depend upon the media, including local newspapers and reporters, to disseminate the board's explanations of the process as well as the issues to the public. Assuring accurate reporting of the board's statement therefore depends upon the board's relationship with the local media.

The National School Public Relations Association suggests the following guidelines for working with the media during negotiations.⁴

- *Don't tell the media what to write.* Give reporters the facts, the full facts, concerning management's position on the major negotiations issues. Give them honestly and frankly and leave it up to the reporters how to construct the story.
- *Don't speak "off the record"* unless asked to do so by the media.
- *Don't use jargon.* Keep it simple and clear, short words, short sentences and short paragraphs.

- *Be scrupulously accurate.* Avoid off-hand, unresearched, inaccurate remarks which will quickly come back over the bargaining table to haunt the negotiating team.

- *Don't call the other side names.* Such activity can only produce lost credibility in the community. If you are baited, steer clear of the hook. A few words said publicly in anger can set bargaining back....

- *Don't play favorites with reporters.* If you start playing favorites during the clamor of news coverage of a major strike, the rest of the media will seek other sources, like the union leaders, for instance.

- *Don't ever say, "This is our 'final' offer."* In bargaining there is never a "final" offer. Final offers are "agreements reached"—up until then the use of "final offers" is just a bargaining ploy and the media know it and the teachers know it.

- *Don't try to obtain publicity by pressure.* By trying to persuade someone with influence in your community to pressure the local news media into using your side of the negotiations or strike story, you are courting the very real possibility that you will be ignored, at best, or at worst, exposed for what you are trying.

- *Be honest, accurate, frank and friendly.* Districts with an effective ongoing community relations program, that is used to communicate all aspects of district operations, will have an established relationship with the local media that will be extremely helpful in an accurate presentation of the board's information. Districts that have not established a productive relationship with the local media, but who wish to develop a program of communications during negotiations, should not wait until a crisis in bargaining to reach out to the media. Waiting until the last minute, particularly if the board's interaction with the local media has been less than neutral, can result in suspicion that the board's uncharacteristic desire to communicate is self-serving and not credible. Early and objective board information on the process of bargaining can begin to build a relationship with the media that provides a base of credibility in the event a crisis occurs before the settlement. Keep in mind, however, that a board that ceases its press relations when a settlement is reached does not enhance its future position as a credible source of information. The most effective plan for communicating with the public-at-large during negotiations will be one which is part of the district's ongoing efforts to share information, at all times, with the community. This is particularly true in establishing communications with specific segments of the community.

Communicating with Parents

Parents may have a specific interest in the progress of negotiations, particularly when the lack of a settlement

³ Also see the article "Responding to Concerted Activities and Limited Job Actions" in the Impasse Procedures section of *The Negotiations Advisor*.

⁴ Communications Alert: School Labor Strife: Rebuilding the Team, National School Public Relations Association, 1982, p. 32.

appears to pose the potential for a disruption in the district's normal operations. At that point in time, it may be appropriate for the board to issue special communications to their students' parents. For example, an adjustment in the school calendar to accommodate the teachers' decision to exercise their statutory rights to not work on legal holidays,⁵ or the district's cancellation or postponement of a scheduled Back-To-School Night because of the teachers' planned boycott,⁶ will require notice and explanation to the parent community. However, two cautionary comments regarding communications to parents are in order.

First, it is wise not to rely on students to bring these notices to their parents. Children are notoriously unreliable "mailmen" but, more importantly, your reliance on a traditional avenue of school/home communication in this instance can be seen as an inappropriate involvement of students in a labor-management dispute. Any communications to parents regarding negotiations issues should be sent through the U.S. mail.

Secondly, communications to parents should scrupulously avoid attacks on teachers or appeals to side against the teachers' position. Generally, parents will be uncomfortable in expressing their opposition to teachers' positions and will resent being placed in the middle. Board communications should factually and objectively present the situation and the reasons for the board's decision to change, or not to change, the school's scheduled activities. The board's desire to continue good faith negotiations to reach a settlement that will protect the district's educational program should also be stressed. Parents informed and unpressured by the board are far more likely to understand the complexities of the issues and the board's commitment to provide a safe and sound educational environment for their children.

Communications with Employees

In planning a board's communications during negotiations, one of the most overlooked, and yet most directly affected, group within the school community is the district's employees. While communications directed at the community-at-large are frequently designed to provide information to the members of a bargaining unit, boards have generally avoided direct communications with their staff even when it has been suspected, or known, that the employees are either uninformed or misinformed. The reasons for the lack of direct communication may be complex, but probably include boards' misconceptions about their legal rights to communicate with employees about negotiations issues.

Under the PERC Law, boards cannot interfere with

their employees' rights to join, participate and support a union. However, this legal requirement does not prohibit boards from communicating management's position on unionization or on union activities to their employees *as long as* those communications are free of threats or promises of benefits.⁷ Thus, boards of education may explain their positions, present information, clarify issues and correct inaccuracies, as long as these communications do not threaten staff with the possibilities of recriminations for continued opposition or promise benefits for accepting the board's position.

The PERC Law also prohibits employers from bypassing the union and negotiating with individual employees. Therefore, boards cannot express a refusal to negotiate with the employees' existing representative or suggest that another union would offer more equitable representation for employees.

However, this legal prohibition does not appear to preclude factual employer communications which do not seek to negotiate directly with employees. Thus, boards' direct communications with their employees can be appropriate as long as the communications do not threaten employees and do not seek to displace the union's status as the employee's bargaining agent.

However, boards must keep in mind that scrupulous adherence to these standards will not prevent the union from filing unfair practice charges against the board. While the charges may ultimately be dismissed, or resolved in favor of the board, boards will still be called upon to defend their actions through PERC proceedings. Pending litigation in front of the Commission generally takes time and representation by legal counsel; it may also aggravate the continuing labor relationship during, and after, its resolution. PERC's decision will ultimately rest on its assessment of the intent and content of the board's communications.

It is clear, therefore, that boards' direct communications with employees require careful and delicate drafting: the words, the tone and the context of these communications must scrupulously avoid even the slightest hint of threats or bypasses. It is most important that any considered oral or written communications be reviewed by your attorney and your labor relations resources.

The timing and context of direct communications with staff is also a crucial consideration. No matter how carefully drafted to conform with the law, direct communications that are not perceived to offer necessary, objective clarification may become a rallying point for union support. Board communications with staff, which occur uniquely during negotiations, rather than in the context of an on-going framework of board/staff com-

⁵ See the article on "The School Calendar and Statutory Holidays" in the Selected Topics section of *The Negotiations Advisor*.

⁶ See the article on "Responding to Concerted Activities and Limited Job Actions" in the Impasse Procedures section of *The Negotiations Advisor*.

⁷ See, for example, *Township of Moorestown*, PERC No. 82-35, 7 *NJPER* 12266; *Black Horse Pike Regional Board of Education*, PERC No. 82-19, 7 *NJPER* 12223.

munication, are likely to be received suspiciously and cynically by staff.⁸ Boards must therefore carefully consider their desires to communicate directly with staff during negotiations. The satisfaction of correcting a lack of information, or an abundance of misinformation, must be balanced by questions concerning the availability of other means of conveying information and by considerations of the effect of the board's communication on ongoing negotiations and on the district's ongoing labor relationship.

However, certain circumstances that may arise during negotiations require direct communication with every member of the bargaining unit. Rumors, or evidence, of concerted activities designed to pressure the board during ongoing negotiations call for a reminder of staff's professional responsibilities to the district and to the students.⁹

Concerted activities unduly pressure boards of education to concede to the union's position; however, experience has shown that written reminders of professional responsibilities result in swift compliance with districts' stated expectations and end staff efforts to influence the outcomes of negotiations by disrupting normal district operations. Therefore, these direct communications to staff are necessary to your ability to provide a continuous educational program and are intricately related to your communications goal.

Conclusions

Boards' decisions to engage in communications with their communities during negotiations must be accompanied by a carefully considered plan of communications. Boards must understand why they want to establish a network of communication and must proceed to assure that every aspect of their communication efforts is related to their purpose for informing the public. The contents, tone, and timing of board information must be

consistently related to boards' ability to reach a settlement that will protect the district's interests.

Maintaining consistency in boards' communications requires continuous board assessments of the effect of the "hows, whats, whens and to whoms" that are involved in release of information. Designating a district spokesperson, who can coordinate the district's communications with the progress of negotiations, is an important component in establishing and maintaining effective communications with the entire school community. However, the most effective district communications during negotiations will be those that occur in the context of an established commitment to keep the community informed of all activities affecting the district. Boards that are considering a new approach to communications during negotiations would be well-served to initiate a program of community information before the onset of a new round of negotiations. Established lines of communications with the public-at-large, the parents and the staff are helpful in building familiar means of communications that enhance the community's perception of the board's responsiveness, accountability and credibility.

Yet, given the realities of the negotiations process, boards' ongoing communications efforts must be adjusted to meet the district's bargaining goals. Boards must balance their desires to keep the community and staff informed with their need to negotiate effectively with the union. Impulsive reactions that would damage the efforts of the board's negotiating team must be rejected in favor of a well-considered approach that supports the board's negotiating efforts. Thus, board communications during negotiations requires a careful and continuous assessment of the full implications of a contemplated board action. That process begins with a board's reexamination of its traditional agreement to negotiated ground rules that limits its ability to communicate with its school community.

⁸For a discussion of ongoing staff relations, including a suggested staff benefit statement, please see the article on "Employee Relations in the Context of a Labor Agreement" in The Structure of Negotiations section of *The Negotiations Advisor*.

⁹For a detailed discussion of this issue, please turn to the article "Responding to Concerted Activities and Limited Job Actions" in the Impasse Procedures section of *The Negotiations Advisor*.