

## STATEWIDE/REGIONAL BARGAINING: IT MAY SOUND GOOD, BUT...

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In an era where school boards are continually being asked to do more with less, every possible approach to efficiency is being examined and reexamined. This is especially true this year as we are, once again, in the process of reinventing school funding. Schools are labor-intensive institutions where 75 percent or more of the school budget is in some fashion linked to employees' terms and conditions of employment. Since employee compensation is largely controlled by the collective bargaining process, there recently has been much attention focused on this critical area. Rightfully, many are asking how the process can be made more effective to enhance economies and efficiency in the field of education, so that more of our limited dollars can go directly to the students. One possible solution that has been offered is to conduct bargaining in an arena beyond the local level.

***Bargaining Beyond the Local Level*** While broader based bargaining could be conducted in a variety of ways, two approaches that have been discussed are statewide bargaining and regional bargaining. In statewide bargaining, all school districts in the state would be represented collectively by a single representative (i.e., one spokesperson or one bargaining team). One suggestion has been that the state would assume this representational responsibility for all school districts. In regional bargaining, multiple employers from an area would come together to be represented by one representative. This format could encompass one of the following configurations: several districts within a county, all districts within a county, or districts in several counties. Likewise, local school district unions would band together to form a corresponding statewide or regional unit, and the parties would then bargain over an agreement covering all of the employees in this unit.<sup>1</sup>

In addition, there are several variations on the extent of *what* the parties would bargain over at the state or regional level. One model would suggest that *all* terms and conditions of employment would be negotiated at this

level, effectively replacing local negotiations completely. Another possible variation would provide that only salary or salary and benefits would be negotiated at the state or regional level while all other terms and conditions would continue to be bargained at the local level.

So one may ask: how would statewide or regional bargaining improve economical and educational efficiencies for local school districts? Would it? Let's take a closer look at some of the key issues involved.

***Bargaining Power*** Those who see statewide/regional bargaining as the solution contend that many boards' banding together to present a unified front to the unions will increase management's bargaining power. In addition, such a bargaining model would give boards greater power by reducing or eliminating the "whipsawing effect" of comparative data (i.e., the use of other settlements to justify ever-increasing demands).

What is critical to understand is that unions will also be banded together to provide a united front in negotiations. Thus, there would be a more powerful union presence at the bargaining table. Such will only serve to heighten union militancy as the more aggressive local leaders would likely dominate these new, larger and more powerful regional or statewide units. Tactics currently employed against boards at the local level could now be utilized at the county, regional or statewide level: job actions, strikes and/or political pressure. The potential for turmoil across the entire state, county or region could provide tremendous pressure on management to agree to union demands.

And what will this greater union bargaining power be used to achieve? Logic pretty much dictates what the scenario would have to be. No union is going to begin negotiations willing to accept less than what any member currently enjoys. Thus, one can anticipate that, as a minimum, the union will be looking for the best salaries, benefits, work hours and other conditions that are currently provided to any employee under a local agreement.

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\*"Labor Lookout" is a regularly featured column in *School Leader*, NJSBA's bimonthly magazine. Because of its importance and continued relevance, this reprint has been included in *The Negotiations Advisor*.

<sup>1</sup>Please note that these changes in employer and union bargaining configuration may require significant modifications to existing law.

In other words, the union will demand a “leveling-up” to the best existing conditions in the region, county or the state.

Needless to say, the financial implications of satisfying such expectations would have a profound impact on local school districts. While the ready response is to just say “no” to the union’s demands, the more powerful and likely more militant union will make this a formidable task, to say the least. In fact, saying “no” to the union may be further complicated by existing law. Under the tenure statutes, no employee can be reduced in compensation. It can be anticipated that unions would seize upon these statutory requirements to legitimize their demand for “leveling-up.”

**Impact at the Local Level** Some advocates of bargaining beyond the local level contend that delegating the primary bargaining responsibilities away from the local district will enable board members to devote more time and energy to educational policy issues. This may well be the case. Indeed, contract negotiations are a very time-consuming process, not only for the bargaining committee, but for the entire board. However, there are some other overriding concerns.

One major concern is the loss of a school board’s direct control over matters that, as mentioned above, may comprise more than three-quarters of the local school budget. Understandably, boards would be leery of surrendering such control to any county, regional or state authority over matters that so drastically impact their district’s finances.

Beyond the financial considerations, there are other ramifications to be considered. Naturally, many negotiable issues involve determinations that have a major impact on the delivery of local educational services. Examples of such issues would include the length of the workday and work year, amount of teacher-pupil contact time, after-school meetings, evening parent conferences, evaluation procedures, extracurricular activities, etc. Boards should be loath to relinquish final authority over issues that are so crucial to the district’s educational program. It is apparent that a statewide or regional contract could not provide individual district flexibility or control in these areas.

Advocates of broader based bargaining models contend that local control could be preserved to some extent if statewide or regional bargaining were reserved to salary (and, possibly, benefits) with all other issues negotiated locally. At first glance, this approach may seem to be a workable solution. Unfortunately, it fails to take into account the give and take of how the collective bargaining process actually works. State/regional negotiations over salary and benefits would remove from the local bargaining table the main bargaining chip that boards have to

extract concessions from the union on issues such as student contact time, longer work year, assignment to extracurricular activities, etc. If issues of compensation were removed from local negotiations, boards would become powerless to negotiate over issues critical to the educational process. Without this leverage, would any board be able to achieve necessary contractual improvements that impact its educational program?

**Further Politicizing the Process** Another factor to consider when analyzing the concept of statewide/regional bargaining is the potential for increased political influence on the bargaining process. Many already decry the degree to which the unions appear to influence politicians and how that influence has been used to adversely affect the negotiations process (e.g., legislatively-mandated benefits for employees that would otherwise be topics for negotiations). Statewide or regional negotiations would centralize the negotiations process thereby enabling labor to more directly focus its pressure tactics to influence the outcome of negotiations. The ultimate example of this concern may be statewide negotiations occurring in Trenton where the political pressures may be the greatest. Allowing this already political process to become even more politicized will not well serve school district interests.

**Conclusion** Because statewide/regional bargaining might eliminate some of the frustration, time and responsibilities of bargaining at the local level, it is an extremely seductive concept. However, the price may be far too high, both in terms of actual dollars and loss of local control. Yet, the concerns over the current bargaining process remain.

The answer to financial and educational concerns arising from the bargaining process is not to delegate away control. Rather, it is to regain control, control over issues that tip the balance of bargaining power in favor of the unions. NJSBA, in its white paper, “An Educational System for the Next Century,” has identified a number of key areas for reform. Critical among these initiatives are reform of the State Health Benefits Program, elimination of a school board’s obligation to pay increments on the salary guide of an expired contract, a consistent and uniform statewide system of penalties for strikes and job actions, the elimination of statutory paid days off when school is scheduled and the elimination of legislated or court-ordered mandated employee benefits.

If enacted, these reforms would restore the necessary balance between a school board being able to effectively manage the educational system and engage in collective bargaining with its staff. Importantly, this approach would do so without jeopardizing local determination of public education.