

# BARGAINING IMPLICATIONS

Professional Dialog Series

# Agenda



- Teacher Performance Evaluations
- Filling New and Vacant Teaching Positions
- Probation and Contractual Continued Service
- Performance-Based Reductions-in-Force
- Streamlined Procedures for Dismissing Tenured Teachers
- Impasse and Strike Procedures

# Teacher Performance



- Implementation by September 1, 2012
- Include:
  - ▣ Personal observation of teacher
  - ▣ Consideration of attendance, planning, instructional methods, classroom management, and competency in subject matter
  - ▣ Teacher's duties and responsibilities tied to standards the teacher is expected to conform
  - ▣ Ratings: Excellent, Proficient, Needs Improvement or Unsatisfactory

# Bargaining Implications

- Review your collective bargaining agreement and revise it not only to conform to the law, but also so that it does not impair your ability to evaluate.
- Do not incorporate the evaluation plan into the collective bargaining agreement.
- Example:
  - ▣ *NSSEO must evaluate a staff member's performance in accordance with Section 5/24A-5(c) of the Illinois School Code.*

# New and Vacant Positions



- Factors that need to be considered:
  - ▣ Certifications
  - ▣ Qualifications
  - ▣ Merit and ability (including performance evaluations)
  - ▣ Relevant Experience
- Seniority can be used as a tiebreaker
  - ▣ Seniority is defined as “length of continuing service with the school district”
  - ▣ Anticipated that unions may attempt to bargain into contracts some form of seniority into the definition of “relevant service”

# Bargaining Implications



- ❑ Delete language that is contrary to law from collective bargaining agreements as agreements are renewed, and do not agree to new language on assignments
- ❑ Do not agree to complicated procedural requirements for filling vacancies
- ❑ Document your procedures for hiring and filling vacancies

# Probationary and Contractual Continued Service

- Four consecutive school terms for probationary teachers who receive overall performance evaluation rating of a least “proficient” in 4<sup>th</sup> school term and at least second or third school term. If teacher does not meet these requirements, must be dismissed at the end of the 4<sup>th</sup> school term.
- Three consecutive school terms for probationary teachers receiving an overall rating of “excellent” each year.
- Two consecutive school terms for probationary teachers who previously attained tenure in a different district and were honorably dismissed or voluntarily departed and received a rating of “proficient” from previous district and a rating of “excellent” for the first two school terms at new district

# Tips



- New requirements only apply to teachers hired after September 1, 2016
- Once new requirement kicks in, for an tenured teacher you hire, obtain an evaluation from the pervious district

# Performance-Based Reductions-in-Force

- Categorization of staff into groups
  - ▣ Group 1: Probationary Teachers not evaluated
  - ▣ Group 2: Needs Improvement or Unsatisfactory evaluation rating on either of their last two evaluations. Dismissals must be based on an average of evaluation ratings.
  - ▣ Group 3: Satisfactory or Proficient ratings on last two evaluations (or last evaluation if one is only available) Seniority is used for dismissal within group 3 unless alternative method is established in CBA.
  - ▣ Group 4: Excellent on last two or last 2 of 3 evaluations with at least a proficient. Dismissal based on seniority unless CBA determines alternative method.

# Bargaining Implications

- RIF procedure is in place beginning now unless CBA entered into on or before January 1, 2011 and in effect on June 13, 2011.
- Revise collective bargaining agreement to conform to law
- Be careful not to limit your options!
  - ▣ Proposed by Association: All probationary and non-probationary staff in Group 2 laid off or dismissed shall be recalled in reverse order.
  - ▣ Alternative definition for Group 4 including seniority as part of Joint Committee proposal
- NSSEO agreed upon language: Certified employees laid off or dismissed under this article will be recalled as provided by law unless otherwise agreed by the joint committee convened as required by Public Act 97-0008.

# Dismissal of Tenured Teachers



- New section of School Code, Section 24-16.5
  - ▣ Alternative dismissal process for school boards for performance-based dismissals
  - ▣ Applicable after September 1, 2011
- Be well prepared!
- Make sure evaluators are trained in PERA evaluations as well as board members.

# Impasse and Strike Procedures

- “No Agreement” notice must be provided to IELRB 90 days before the scheduled start of the forthcoming school year and whether mediation has been employed
- Any party may declare an impasse after 15 days
- Written notification of impasse must be filed with the IELRB
- Within 7 days after impasse must submit final offers in writing to mediator, the IELRB, and other party. Final offers must include a cost summary of the offer.
- Must notify all news media outlets
- 7 days after the IELRB receives final offers, the IELRB will post on website

# Bargaining Tips

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- Begin process of negotiating earlier in final year of contract to take advantage of the accelerated timeframes for invoking mediation process
- Prior to declaring impasse and making final offer, be certain that terms of final offer are reasonable so that offer will garner public support
- Update negotiation procedures to reflect accelerated timelines
- Consider working with public relations specialist prior to distributing final offer

# Final Thoughts

- *“The impact of reviewing how teachers and administrators are evaluated, as well as the impact of evaluations and decisions made about pay and retention need to be discussed openly so that questions can be raised and concerns addressed. Illinois is a very diverse state and decisions about hiring, teacher evaluations, and retention are decided at the local level. Therefore, it is paramount that unions, professional associations, teachers, administrators, and representatives from business and the community be involved as we collaborate and work toward ensuring that all students have effective teachers.”*

*-Illinois State Board of*

*Education*