

**Policy****Descriptor Code: HA****NEGOTIATIONS GOALS**

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The Board recognizes that education is a public trust; it therefore is dedicated to providing the best possible educational opportunities for the young people of this community. In negotiations, this objective may be best attained if there is a climate of mutual trust and understanding between the negotiating parties.

The Board believes that the best interests of public education will be served by establishing procedures that provide an orderly method for the Board and representatives of the staff to discuss matters of common concern.

It is further recognized that nothing in negotiations should compromise the Board's legal responsibilities, nor should any employee's statutory rights and privileges be impaired.

*Notes: ASBSD sample policies are intended to be a guide for school districts. As is the case with any policy, a local school district's unique circumstances, challenges and opportunities need to be considered.*

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 11/3/2011

**Policy**  
**SCOPE OF NEGOTIATIONS**

**Descriptor Code: HC**

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In accordance with state law, the Board will negotiate with officially recognized employee bargaining groups on the following items: wages, salary, and other conditions of employment. Other mutually agreed-upon terms and conditions of professional service may also be negotiated as determined by the Board.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 11/3/2011

**State Reference**

SDCL 3-18-3

**Description**

Exclusive representation by designated representatives

Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.

**Policy****Descriptor Code: HD****SCHOOL BOARD NEGOTIATING POWERS AND DUTIES**

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The Board has a duty to bargain in good faith with recognized staff units on wages and other conditions of employment. It also has the privilege to refuse to negotiate in certain areas.

The Board will not:

1. Interfere with, restrain, or coerce employees in the exercise of their right to organize.
2. Dominate, interfere or assist with the formation, existence, or administration of any employees' bargaining agent, or contribute to its financial support.
3. Discriminate in employment or tenure or in any condition of employment to encourage or discourage membership in any employee organization.
4. Discharge or otherwise discriminate with regard to any employee because he signed or filed any affidavit, petition, or complaint pursuant to the negotiations law.
5. Refuse to negotiate in good faith.
6. Fail or refuse to comply with any provision of state law relating to negotiations.

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 11/3/2011

**State Reference**

SDCL 3-18-3.1

**Description**

Unfair practices of employers defined

Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.

**Policy**  
**BOARD NEGOTIATING AGENTS**

**Descriptor Code: HE**

The Board is ultimately responsible for negotiating with employee units. Prior to commencement of any negotiations, the Board--with the assistance of the Superintendent--will decide whether to appoint a labor lawyer, a professional negotiator, or a representative from within the school district to serve as the Board's chief negotiator. The balance of the Board's negotiating team will be selected by the Board with assistance from the Superintendent.

The fee or salary for a professional negotiator will be established by the Board at the time of appointment.

Negotiations will be conducted only as directed by the Board. No agreement will be effective until the Board has accepted it and officially designated its representatives to sign it.

*Notes: If an individual district appoints the Superintendent or the district's legal counsel as the chief negotiator, this could be reflected in the Board's policy statement.*

*When a professional negotiator is hired, great care must be exercised by the Board so that the general limits of negotiations are firmly established. Then, the negotiator should be given some latitude within those limits. If there are areas where the Board does not wish any flexibility, the negotiator must be informed.*

*Administrators should be kept informed on every move, and asked to review and evaluate the consequences of any proposed changes.*

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Elkton School District 5-3

Date Adopted: Pending  
Last Revised: 11/3/2011

**Regulation****Descriptor Code: HE-R(1)****BOARD NEGOTIATING AGENTS - (Regulation)**

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**APPOINTMENT OF A PROFESSIONAL NEGOTIATOR**

The negotiator's fees or salary will be established at the time of appointment.

The duties of the negotiator will be mutually agreed upon, and may include the following:

1. Serve as chief spokesman in negotiations with recognized or certified bargaining units to arrive at a mutually satisfactory agreement on wages, hours, and working conditions of employees represented by the units, and at any fact finding proceedings related thereto.
2. Direct accumulation of necessary data needed for negotiations, such as comparative information.
3. Follow guidelines set forth by the Board as to acceptable agreements and will report on the progress of negotiations.
4. Make recommendations to the Board as to acceptable agreements.
5. Interpret the signed negotiated agreements to administrators.
6. Serve as the official designee of the superintendent when the grievance procedure reaches the level of the superintendent.
7. Plan, organize, direct, and represent the district in arbitrations involving agreements.

*Notes: Regulations such as the above should have the Board's official stamp of approval.*

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Elkton School District 5-3

Date Issued: Pending  
Last Revised: 1/1/2007

**Policy****Descriptor Code: HH****PRIVILEGES OF STAFF NEGOTIATING ORGANIZATIONS**

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In accordance with state law, recognized employee organizations or their agents will not:

1. Restrain or coerce an employee in the exercise of the rights guaranteed to the employee by state law.
2. Restrain or coerce an employer in the selection of his representative for the purpose of negotiating or the adjustment of a grievance.
3. Cause or attempt to cause an employer to discriminate against an employee due to membership or non-membership in an employee organization, or to whom membership in such organization has been denied or terminated for some reason.
4. Refuse to negotiate collectively in good faith with an employer.

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 Elkton School District 5-3

 Date Adopted: Pending  
 Last Revised: 11/3/2011
**State Reference****Description**

SDCL 3-18-3.2

Unfair practices of employee organizations defined

SDCL 3-18-3.3

Rules on unfair practices

Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.

**Policy****Descriptor Code: HL****PRELIMINARY NEGOTIATED AGREEMENT DISPOSITION**

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If a tentative settlement is reached between an employee organization and the Board, the designated representatives of both parties will recommend ratification by their respective groups. If either the Board or the employee organization memberships fail to ratify the tentative agreement, negotiations will be continued for a specified period of time in an effort to work out differences locally, prior to declaring impasse and commencing conciliation or fact-finding procedures.

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 Elkton School District 5-3

 Date Adopted: Pending  
 Last Revised: 11/3/2011
**State Reference**

SDCL 3-18-7

**Description**Tentative settlement

Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.

**Policy**  
**IMPASSE PROCEDURES**

**Descriptor Code: HN**

In the event the Board and the employee negotiation teams are unable to reach agreement, and an impasse exists, the conciliation and fact-finding procedures outlined in state law may be requested by either party. The notice of an impasse must be in writing.

If neither party requests intervention by the Department of Labor and Regulation within 10 calendar days after impasse is reached, the Board will assume negotiations are completed and will institute the provisions of the Board's last offer.

Within five days of receipt of a fact-finders report, both parties will meet to discuss the report.

In case of failure to reach agreement after full use of conciliation and mediation, the Board will be responsible to make such decisions necessary for the operation of the school system.

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Elkton School District 5-3

Date Adopted: Pending  
 Last Revised: 11/3/2011

**State Reference**

**Description**

SDCL 3-18-8.1

Intervention by dept. on failure to reach agreement

SDCL 60-10-1

Conciliation of labor dispute

SDCL 60-10-2

Unsuccessful efforts to conciliate

Legal references indicate the basis or authority for the board to enact this policy, and policy cross-references identify additional policies related to the subject matter of the above policy.