

## **SECTION III EMPLOYEE RELATIONS**

### **3.01 EMPLOYEE RELATIONS POLICIES AND PROCEDURES**

It is the intent of the Clay County School Board to implement a harmonious relationship between the School Board of Clay County and employee organizations in accordance with Chapter 447, Florida Statutes. Within the framework of laws and regulations of the State of Florida and the Federal government, the adoption of policies to govern public education is the legal responsibility of the School Board.

- A. The School Board of Clay County recognizes that organizations exist in which employees hold membership, as a result of their employment by the School Board. In developing and maintaining its relationships with such employee organizations, the Board will be guided by the following principles:
1. The Board, in its relationships with employee organizations, recognizes that the legally established responsibilities of the Board and school administration for policy making interpretation, and policy implementation cannot be delegated to organizations which are not a part of the official structure of the school system.
  2. The responsibilities of teachers and other employees of the school system must be clearly differentiated from their activities in employee organizations. As school system employees, they are responsible, commensurate with their assignments and competencies, to contribute satisfactorily to school operations.
  3. The membership of any employee of the Board in any employee organization shall be entirely voluntary and there shall be no discrimination against any employee by the Board or the school administration because of his membership or non-membership in such employee organizations.
  4. The School Board will provide, upon request, the opportunity to meet with its employees, under limitations imposed by statute and court decisions, with employee organizations to which it has extended official recognition, or which have been selected by a majority of the employees voting in an election, for collective bargaining purposes, and in accordance with policies and regulations adopted by the Board.

B. RECOGNITION OF EMPLOYEE ORGANIZATIONS

1. The Board may grant official recognition in accordance with Florida Statutes for purposes of collective bargaining to an employee organization upon the organization's compliance with all of the following:
  - a. Meet the registration requirements of Florida Statute 447.305.
  - b. Request recognition by the Board.
  - c. Submit to the Board's representative statements from a majority of employees in the proposed unit, which indicate their desire to be represented by the organization.
  - d. Provide, annually, the following information and/or resources to the Board:

- 1) The names of officers and Board of Directors of the organization.
- 2) The number of members in the organization to a disinterested third party, mutually selected, who shall relate the certified list to the Board.
- 3) A copy of the constitution, bylaws, and other documents of governance of the employee organization.
- 4) A statement adopted by the membership that inclusion in the organization is not barred on the basis of race, religion, or national origin.
- 5) A statement that the organization(s) will provide for each Board member, the Superintendent, the Board Attorney, the Assistant Superintendent for Human Resources, and school principals copies of all organization newspapers, special bulletins, and policy position statements.

2. Petitioning the Public Employee Relations Commission

If the Board refuses to recognize the employee organization, the employee organization may file a petition with the Public Employees Relations Commission, and meet all the other requirements of Florida Statute 447.307 in order to represent the employees of the proposed bargaining unit.

C. POLICIES AND PROCEDURES FOR COLLECTIVE BARGAINING

The following procedures will be used in the collective bargaining process between the School Board and those employee organizations, which have complied with the provisions in Section B.

1. The right to join or not to join organizations. It is recognized that employees of the School Board have the right to join or not to join any organization. Membership in any organization shall not be a prerequisite for employment or continuation of employment of any employee.
2. The Superintendent and the Board shall designate a Chief Negotiator and his assistants to represent the School Board and Superintendent in the collective bargaining process.
3. Consultants - The parties to the collective bargaining process may call upon consultants to assist in preparing for said discussions and to advise them during conference sessions. The expense of such consultants shall be borne by the party requesting them.
4. Time, place and length of meeting - Upon formal request of a certified employee organization for collective bargaining with the Board, meetings shall be conducted with the representative (Chief Negotiator) of the Superintendent and the Board for the purpose of a free exchange of facts, opinions, and proposals in an effort to reach mutual understandings and agreement. The discussion shall be held on neutral or mutually agreed upon grounds, and to the extent possible and practicable, shall be held at a time other than the regular working day.

5. Amendments - The Agreement between the School Board and a certified organization may be amended by mutual consent of all parties with written evidence of said consent being presented by each party of the other.
6. Propriety permits the School Board to expect any organization that participated in discussions to share the reasonable expenses incurred in the process. Any and all expenses incurred in these processes shall be borne equally by all parties, subject however, to the availability of funds properly budgeted by the Board from year to year.
7. Subjects - The School Board recognizes the concept that all children must be educated because society benefits from education. The School Board will not abdicate its responsibility in the enforcement of all laws and regulations required for the administration of the school system.
8. The Board reserves the right to communicate with its employees in spite of on-going negotiations.
9. The Board's negotiating team meeting with the School Board in executive session shall receive instruction relative to parameters on economic and non-economic matters which are subject to negotiation, prior to signing any tentative agreement to such matters at the bargaining table. The School Board shall be kept advised by its negotiating team of all tentative amendments to the contract prior to ratification.

D. UNLAWFUL ACTS

1. No School Board employee may participate in a strike against the Clay County School Board by instigating or supporting in any matter, a strike. Any violation of this section shall subject the violator to the penalties as stipulated under Florida Statutes.
2. Other unlawful acts as outlined in Chapter 447 of the Florida Statutes shall be forbidden.
3. Bargaining unit members shall be expected to comply with all state laws, regulations and rules which pertain to collective bargaining when engaged in related activities, and the public employer representative for collective bargaining and/or other designees of the Superintendent, the Superintendent, and the School Board shall be expected to enforce all laws, regulations, and rules which are related.

[Ref. F.S. 447] (Revised: 1-8-81) (Amended: 12-13-84)

**3.02 EMPLOYEE COMPLAINT PROCEDURES**

- A. Any claim by an employee or a group of employees that there has been a violation, misinterpretation, or misapplication of any rule, order or regulation of the Board or contract agreement to which the employee is a party, may be addressed as provided in this section.
  1. Employees covered by a collective bargaining agreement are to follow the procedures and guidelines for grievances as outlined in the appropriate collective bargaining agreement.

2. Employees not covered by a collective bargaining agreement:
  - a. The School District of Clay County operates under an open door policy in handling employee disputes or complaints. All such disputes or complaints are to be addressed with the immediate supervisor having responsibility over the employee, unless the complaint is with the supervisor. In such circumstances, the complaint or concern should be addressed with the administrator having supervisory responsibility over the individual who is the subject of the complaint.
  - b. If, after addressing the issue with the appropriate supervisor, the issue is unresolved, the employee making the complaint may appeal in writing to the Superintendent or his/her designee. Decisions rendered at this level shall be final. Nothing in this policy is intended, however, to bar any employee from seeking remedies that may otherwise be allowed by law.