

## Teacher Negotiations Meeting

### Minutes

Monday, March 1; 4:30 p.m.

Central Office Board Room

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#### Negotiators Present:

Representing School Board: Mrs. Kris Fehr, Mrs. Sarah Ricks, and Dr. Douglas Sullivan

Representing Dickinson Education Association (DEA): Mr. James Fahy, Mr. Lyle Smith, Ms. Sarah Berglund, and Mr. Jay Schobinger.

Others: Naomi Thorson, JoAnn Coates, Leslie Wilkie, Lee Mehrer, Shary Smith, Les Dykema, Jarl Abrahamson, John Abrahamson, Mary Ann Reisenauer, Megan Morey, Brenda Loney, Scott Schmidt, Tracy Sipma, Nancy Mack, Kelly Jahn, Trina Kudrna, Dawn Sipma, Donna Abrahamson, Jackie Glaser, Julie Maes, Dave Weber, Clarence Hauck, Jim Steckler, Yvette Schubert, Merrill Fahlstrom, Jill Nelson-Wetzstein, Dana Price, Twila Petersen, and Andrew Haffner from The Dickinson Press.

Call to Order – Chair Douglas Sullivan called the meeting to order at 4:30 p.m.

Review and Approval of the February 24, 2016, Meeting Minutes –A copy of the meeting minutes was available for the team members. Chair Sullivan opened the floor for discussion. There were no objections to the minutes as presented; therefore, by consensus both parties agreed the February 24 meeting minutes were approved. Mrs. Fehr and Mr. Fahy signed and dated the minutes.

Review and Establish Ground Rules – Chair Sullivan noted at the February 24 meeting the negotiations team was able to get through items #1-5 of the ground rules. Item#6 of the (DPS proposed) ground rules was the next item for discussion.

Board proposed ground rule #6 – Decorum: Mr. Fahy commented regarding Roberts of Order and inquired if the team was looking at motions, minutes, discussion, etc. regarding Roberts of Order and parliamentary procedure requirements. By consensus the third sentence in #6 was removed. Mr. Fahy said that occasionally the cell phone is used as a calculator, not just a talking tool. Mrs. Fehr concurred and noted that individuals may need to have access to text messages. Mr. Fahy concurred. Mr. Smith inquired if the second sentence was necessary. He did not recall this happening and it was stating the obvious. Mr. Fahy also could not recall it happening and noted the collaborative effort to try and bring the team to a closer relationship. Consensus was to remove sentence two. By consensus, Board proposed ground rule #6 would be revised as follows.

6. **Decorum:** Both Teams shall conduct themselves in an orderly, courteous, and professional manner. ~~Defamatory or abusive remarks are always out of order. To the extent applicable, and not superseded by these ground rules, meeting will be conducted in accordance with Robert's Rules of Order.~~ Negotiators' cell phones shall be turned off or in silent mode during the duration of the meetings.

Board Proposed Ground Rule #7 – Public Participation: Mr. Fahy noted that #7 was almost identical to last year's agreement. He noted that "Non-team members will not approach the negotiations table without permission from both parties" was stricken last year. He added that sometimes resources are brought up and he knows why the language was put back in the ground rules. He felt it needs to be removed. Mrs. Fehr responded that it has been agreed that resource people would be allowed. It is different about other indifferences. Mr. Fahy noted in the past there have been concerns regarding Mrs. Pokorny approaching the table and he felt that the language needs to be removed because Mrs. Pokorny is a vital source of information. Mrs. Fehr asked Mr. Fahy that if the DEA negotiators needed to consult with Mrs. Pokorny, their resource person, he should note that. She added that she was thinking of a wider issue of people approaching the negotiations table which was brought up at the Board's negotiations. Outsiders want to speak or bring a note to the table and it becomes a free-for-all. Mr. Fahy responded in regards to the concern during last year's negotiations where there was somebody that wanted to participate and the team discussed it and consensus was to not allow it and that was done without the statement in the ground rules. Mrs. Fehr thought it might encompass so that each

party or the chair can restore order or to say that it's not allowed or to ask the parties if they wish for it to be allowed. It is something that could be worked into the language as a suggestion. Mr. Fahy said that the negotiation team is identified and the resource people will be available. He added stating that prohibiting the public is inclusive enough and therefore the second sentence is not necessary. Mrs. Fehr concurred. By consensus, ground rule #7 was rewritten as follows.

- 7. Public Participation:** The public is prohibited from participating in negotiations meetings. ~~Non-team members will not approach the negotiations table without permission from both parties.~~

Consensus was that Board proposed ground rule #8-Caucus would remain as presented.

Board proposed ground rule #9 – Recorder: Mrs. Fehr noted that depending upon how close the negotiation sessions are the turnaround time for Mrs. Petersen to get the minutes provided may need to have some flexibility. If we have the negotiations session within a few days it does not allow her enough time to get the minutes prepared; however, they do wish to have the minutes available. Mr. Fahy noted that there has not been five business days since the last negotiations meeting. Mr. Fahy complimented Mrs. Petersen on the minutes that she prepares. He inquired since the Board is required to have minutes prepared for the teacher negotiations and due to open records law why should the cost of the recorder be equally shared with the DEA. Mrs. Fehr responded that she was getting the impression the DEA did not wish to share the cost of the recorder even though this cost has been shared in the past, except when there was not a joint recorder. She added there is time involved. Mr. Fahy inquired if the recorder costs are shared equally for administrative negotiations. Dr. Sullivan responded the cost is not shared and added the administrative negotiators are not an organized association. Mrs. Petersen's role at administrative negotiations includes looking up information and as an administrative function for probably mostly the Board and the superintendent. Mr. Fahy referenced the open records law. He said the DEA has shared the burden of the cost in the past as a courtesy. Dr. Sullivan noted that if the Board was going to bear the full cost of the recorder than the minutes become the Board's minutes and would not require joint approval. Mr. Smith said that the DEA has been told that do not need to sign the joint approved minutes or sign any tentative agreements. Mrs. Fehr felt it was good collaboration to have the minutes approved and signed by both parties and have the tentative agreements approved and signed by both parties. DEA negotiators requested a short recess to caucus. At 4:51 p.m., Chair Sullivan declared a five-minute caucus. At 4:57 the meeting reconvened. Chair Sullivan opened the floor for discussion. Mr. Fahy said they have discussed sharing the cost of the joint recorder and would be willing to do that with some requests. The DEA negotiators requested the draft minutes be provided to all DEA negotiators and Board negotiators and when possible, to provide the draft minutes within two days of the next scheduled negotiations meeting. After additional discussion, consensus was to revised #9 of the grounds rules as follows:

- 9. Recorder:** The Teams will hire one recorder, Ms. Twila Petersen or a designee, to take minutes. The recorder will distribute the minutes to the DEA ~~lead~~ negotiators, the Board ~~lead~~-negotiators, ~~the DEA president~~, and the Superintendent within ~~five two~~ business days ~~following prior to the next the meeting, when practical~~. Any changes and approval of the minutes will be the first item on the agenda at the following meeting. Once approved, the minutes are open record pursuant to the North Dakota open records laws, and will be distributed by the recorder to all DEA building representatives and Board members. The cost of the recorder will be shared equally by both teams. Recording devices may be used by either party.

Consensus was that Board proposed ground rule #10-Agenda for Next Meeting would remain as presented.

Board proposed ground rule #11-Deadline for Topics. Dr. Sullivan opened the floor for discussion. Mr. Fahy inquired if the Board representations were interested in creating problem statements for issues. Mrs. Fehr asked if the problem statements last time had been helpful in moving forward. She likes when there is an explanation of the problem which sometimes doesn't surface unless the problem statements are written. Mr. Fahy noted the prioritization is also part of it and he felt it was important to know why the topic was important. If there is a problem how do we solve it? He noted that Mrs. Fehr had stated not all team members have done the training on collaborative bargaining. Mrs. Fehr said a previous negotiations the problem statements were difficult to get to however it did help bring the issue to the surface. Then it would be a matter of agreeing on the problem statement. Mr. Fahy noted a previous negotiations that the team has dealt with the easy topics first and then tackled the harder topics later. Mrs. Fehr felt the team would want to prioritize the topics. Salary is always a topic for discussion we just need to prioritize. Mrs. Fehr questioned if there would be enough time to do problem statements and said the length of negotiations also depends on the number of topics. Last time we started out with a large number of topics for discussion. Mr. Fahy suggested topics will be presented and prioritized prior to decisions being made and thereafter additional topics maybe added only with the

agreement with both the board negotiation and teacher representatives. That could make the deciding factor if problems statements are done. Mrs. Fehr felt that problem statements don't need to be done to prioritize. She referenced a previous negotiations when some topics that had additional research and information was needed. While waiting for the additional information the team moved onto another topic. Mrs. Ricks asked if the initial process to have the topics presented and inquired if it was reasonable to have a two meeting deadline even if the team decides to create the problem statements. Mrs. Fehr said that the team doesn't need to go into the problem statements right away unless it was helpful to the team and discussion. Mrs. Ricks inquired if the word prioritized was problematic. Mrs. Fehr inquired if the idea was for topics not to be added and Mr. Fahy concurred. Both parties concurred this was the intent of this ground rule. Mr. Fahy said with the change of proposals to topics with the understanding when the topics are done they are done. Mrs. Fehr clarified that it would take two meetings to get the topics provided and if prioritization is done within the two meetings is acceptable. Consensus was Board proposed ground rule #11 would be revised as follows.

11. **Deadline for Topics: Topics Proposals: Proposals** will be presented and prioritized by no later than the second meeting following the establishment of ground rules. Thereafter, additional ~~proposals~~ topics may be added only with agreement of both the board negotiations team and the teachers' representatives.

Board proposed ground rule #12 – Negotiating and Agreeing to Proposals. Dr. Sullivan opened the floor for discussion. Mr. Fahy said he had a concern with the language “or until issuance of unilateral contracts.” He felt the language was making it sound like the team was heading in that direction. Mrs. Fehr responded that it was not meant to be that way but it is what happens in the end. Mr. Smith suggested striking the entire last sentence. Mrs. Fehr responded if that sentence was eliminated would it mean if the team had tentatively agreed to something then end up going to impasse then all the tentative agreements would no longer be agreed upon anymore. Mr. Fahy responded that if the team would go to impasse all the tentative agreements are held as agreements when it comes to the FactFinding Commission. Mr. Fahy added in the past when there has been a tentative agreement on a topic that topic has moved to the bottom of the agenda noting it as a tentative agreement. Mr. Fahy reiterated the language he would like removed is “or until issuance of unilateral contracts.” He said that language was leaving it open again for a possibility (of impasse) and recognized it is a possibility. Both Mrs. Fehr and Mr. Fahy agreed the possibility was there. Mrs. Fehr asked Mr. Fahy if it would be a mutual understanding at the table that those agreements would be agreements whether or not the team goes to impasse. Mr. Fahy responded they would. Consensus was Board proposed ground rule #12 would be revised as follows.

12. **Negotiating and Agreeing to Proposals:** As agreement is reached on an item, a Tentative Agreement with all attachments will be prepared for review and signature by the board's and teachers' chief negotiators. Once a proposal has been resolved, The Tentative Agreements will be listed on the next agenda, proofed at the meeting and approved in the minutes of the next meeting. Any signed item may only be reopened for amendment by consent of the board negotiations team and teachers' representatives. Such agreements are only tentative until negotiations are complete and the entire agreement is ratified by both parties ~~or until issuance of unilateral contracts.~~

Items that are not agreed upon must be tabled or given consideration only after all other items have been considered.

Board proposed ground rule #13-Timeframe for Completion. Mr. Fahy said he didn't know if the team could discuss that until the team knew the number of topics. Mrs. Fehr recognized a previous discussion with Mr. Fahy where he had relayed it was the intent of the DEA to be completed with negotiations before school was out. Mrs. Fehr and Mr. Fahy agreed that both parties wanted to complete negotiations as soon as possible. Last time a target date was put in the ground rules to try and complete negotiations before the first payroll. He added that helped push the team towards the completion goal. Mrs. Fehr said it would not be the Board negotiator's desire to go into the summer unless they needed and noted they don't know how much time it will take. Consensus was Board proposed ground rule #13 would be revised as follows.

13. **Timeframe for completion:** A timeframe will be set based on the number of topics and anticipated time needed to address them at the first or second meeting following the establishment of ground rules. A target date to complete the 2016-2017 negotiations is **May 6, 2016.**

Chair Sullivan inquired if either party had additional ground rules to provide. Consensus was there were no additional ground rules.

**Debrief** – Chair Sullivan summarized the meeting. He listed the changes to items #6-13 of the ground rules. Sentences #2 and #3 were stricken from ground rule #6. Ground rule #6 as revised was approved by the parties. Sentence #2 was stricken from ground rule #7. Ground rule #7 as revised was approved by the parties. Ground rule #8 was approved as presented. The second sentence in ground rule #9 was revised to read: The recorder will distribute the minutes to the DEA negotiators, the Board negotiators, the DEA president, at least two business days prior to the next meeting, when practical. With that revision ground rule #9 was approved by the parties. Ground rules #10 and #11 were approved by the parties as presented. Ground rule #12 was revised as “~~or until issuance of unilateral contracts.~~” Ground rule #12 as revised was approved by the parties. In ground rule #13, a target date was added “May 6, 2016” and was approved by the parties as revised.

**Schedule Next Meeting Date and Time and Agenda Items** – By consensus, the next meeting was scheduled for Thursday, March 10 at 6:30 p.m. and will be held at the Central Administration Office in the Board room. The first item on the agenda will be to review and approve the March 1 meeting minutes. Mr. Reep will provide a financial presentation. Also on the agenda will be topics for negotiation.

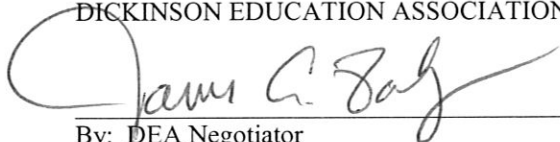
**Adjournment** – Chair Sullivan declared the meeting adjourned at 5:33 p.m.

Dated this 10<sup>th</sup> day of March, 2016.

DICKINSON PUBLIC SCHOOLS

  
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By: Board Negotiator

DICKINSON EDUCATION ASSOCIATION

  
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By: DEA Negotiator