

(B/D – 04/06/20)

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION
Board Policy and Procedures Review Committee

Date: April 6, 2020

To: Board of Directors

From: Adam Weinberger, Chairperson Policy and Procedures Review Committee

Subject: Policy 610 – COLLECTIVE BARGAINING
Collective Bargaining Agreement Ratification During Coronavirus

The coronavirus has created unprecedented disruption and continues to prevent chapter's from meeting in-person as required by many chapter constitution and bylaws. The CSEA Board of Directors took action during the March 2020 Board Meeting to allow chapters to ratify agreements if the scope of the proposed agreement solely concerned the pandemic. There continues to be a need to allow chapters to ratify negotiated agreements beyond the scope of the pandemic to avoid a delay in the receipt of pay and the implementation of other negotiated working conditions. Too many agreements are being considered simultaneously to address individual chapter requests for waivers of policy. Chapters should not ask members to gather together in person to do union business so long as health officials are discouraging such gatherings due to the coronavirus pandemic. Chapters shall still be required to forward all negotiated agreements to the Field Office for review, and Field Directors shall still retain authority to decide which agreements require ratification.

Therefore, Policy 610 and the provisions of a Chapter's Constitution and Bylaws on formal ratification should be temporarily waived as follows:

For the duration of time that the coronavirus pandemic prevents a chapter's ability to meet due to district closure or shelter-in-place orders or limitations on gatherings, inclusive, Chapter Executive Boards may ratify negotiated agreements. Ratification by the Chapter Executive Board shall be permitted provided that all the following conditions are met:

1. The tentative agreement (or summary thereof) shall be distributed by email or text to all members who have provided this contact information, and a copy posted on the chapter website if the CPRO is available.
2. The Chapter Executive Board shall provide an opportunity for members to vote via email, text, conference call, or online polling service. Chapter members shall have the opportunity to vote for a period of at least ten (10) calendar days from the date that the tentative agreement is distributed to members of the chapter.
 - i. Should a member request an anonymous method of voting, the Chapter Executive Board shall accommodate that request pursuant to this requirement of the Association Bylaws (e.g., holding an anonymous poll

through a videoconference service or balloting service would fulfill this requirement).

3. Chapter Executive Boards shall maximize the confidentiality of such votes to the extent feasible. Field Directors are permitted to determine any disputes about balloting in such circumstances.

The ability to use this method of ratification shall expire after district closure or shelter-in-place orders, or limitations on gatherings are lifted, inclusive.

RECOMMENDATION:

That the Board of Directors approve the temporary emergency waiver of Policy 610 – COLLECTIVE BARGAINING for Collective Bargaining Agreement Ratification During Coronavirus as presented.