

MODESTO CITY SCHOOLS

Board Policy

BP 4143.1/4243.1

PERSONNEL

Public Notice – Personnel Negotiations

Because the Governing Board has a responsibility to represent the public's interest in negotiations with employee organizations, the Board is committed to keeping the public informed about issues being negotiated, providing members of the public an opportunity to express their views, and disclosing the position of each Board member in accordance with law.

Public Notice/Sunshining of Initial Proposals

All initial contract proposals of the Board

1. The exclusive representative shall notify the Board of Education or designated District representative at least thirty (30) District Office work days in advance that it intends to present its initial contract proposals on a specific date. (District Office work day is a day the District Office is open for business.)
2. Upon receipt of an exclusive bargaining representative's initial contract proposal, the Board of Education shall announce receipt of the initial proposal to the public by posting notice of receipt of the initial proposal on the official bulletin board or website of the District. The posted notice shall also state that the initial proposal is available for inspection in the District Human Resources Office and that a public hearing on the proposal will be held before the Board of Education at a later specified date. Thereafter, the initial proposal of the exclusive bargaining representative will be made available for review at the District Human Resources Office for a reasonable period of time. At its next scheduled (regular or special) meeting held no earlier than four (4) calendar days thereafter, the Board of Education shall hold a public hearing at which time the public may comment on the exclusive bargaining representative's initial proposal.
3. At the same time as in paragraph 2 above, the Board of Education shall also announce its initial contract proposal for bargaining with the employees' exclusive bargaining representative by posting notice of the initial proposal on the official bulletin board or website of the District. The posted notice shall also state that the initial proposal is available for inspection in the

PERSONNEL

Public Notice – Personnel Negotiations

District Human Resources Office and that a public hearing on the proposal will be held before the Board of Education at the same meeting referred to in paragraph 2 above. The Board's initial contract proposal will then be made available for review at the District Human Resources Office for a reasonable period of time, at least four (4) calendar days thereafter. It is the intent that the public hearing on the Board's initial contract proposal will be at the same meeting that the exclusive bargaining representative's initial contract proposal is presented and shall thereafter be public records. (Government Code 3547)

Meeting and negotiating between district and employee organization representatives shall not take place on these initial proposals until a reasonable time has elapsed after the submission of these proposals to enable the public to become informed and to express itself regarding the proposals at a public Board meeting. (Government Code 3547)

After the public has had an opportunity to provide input on either both proposals at the public hearing, at the conclusion of the hearing, the Board of Education shall adopt its initial proposal and vote to receive the employee organization's proposal, at a public meeting. (Government Code 3547).

4. New subjects of meeting and negotiating arising after the presentation of initial contract proposals shall be made public within 24 hours. after being submitted by either party through posting on the official bulletin board or website of the District. If a vote is taken by the Board on any such new subject of meeting and negotiating, each Board member's vote shall also be made public within 24 hours. (Government Code 3547)

Public Disclosure of Proposed Agreement

Before entering into a written agreement covering matters within the scope of representation, the Board shall disclose, at a public meeting, the major provisions of the agreement, including, but not limited to, the costs that would be incurred by the district under the agreement for the current and subsequent fiscal years. (Government Code 3547.5)

PERSONNEL

Public Notice – Personnel Negotiations

The Superintendent and chief business official shall certify, in writing, that any costs incurred by the district under the agreement can be met by the district during the term of the agreement and shall submit the certification to the Board prior to the Board's approval of the agreement. The certification shall itemize any budget revision necessary to meet the costs of the agreement in each year of its term. (Government Code 3547.5)

A copy of the proposed agreement shall be made available to the public prior to the day of the Board meeting.

The Superintendent or designee shall prepare a summary of the major provisions and changes in the proposed agreement.

Legal References:

CALIFORNIA CODE OF REFERENCE, TITLE 8

32075 PERB regional office defined

EDUCATION CODE

42130-42134 Financial reports and certifications

GOVERNMENT CODE

3540.2 Meeting and negotiating in public educational employment

3547 Proposals relating to representation; informing public

3547.5 Major provisions of agreement with exclusive representation

Management Resources:

WEB SITES

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

California Public Employment Relations Board: <https://perb.ca.gov/>

CSBA: <https://www.csba.org/>

Fiscal Crisis and Management Assistance Team: <https://www.fcmat.org/>

School Services of California, Inc.: <https://www.sscal.com/>

California Department of Education: <https://www.cde.ca.gov/>

Cross References (cf.):

1112 – Media Relations

1340 – Access To District Records

3460 – Financial Reports And Accountability (N/A)

4141 – Collective Bargaining Agreement

4141.6 – Concerted Action/Work Stoppage (N/A)

4143 – Negotiations/Consultation (N/A)

4241 – Collective Bargaining Agreement

4241.6 – Concerted Action/Work Stoppage (N/A)

PERSONNEL

Public Notice – Personnel Negotiations

Cross References (cf.) (cont.):

4243 – Negotiations/Consultation (N/A)

9000 – Role Of The Board

9010 – Public Statements

9011 – Disclosure Of Confidential/Privileged Information

9321 – Closed Session

9321-E(1) – Closed Session (N/A)

9321-E(2) – Closed Session (N/A)

ADOPTED: July 22, 1991

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