

The Realities of the CA Bargaining Law

The law is designed to "protect the State" from disruption ... it is in the State's interest to keep the schools up-and-running; "keep the kids off the streets and out of the workforce!"

1. Both parties must sunshine opening proposals to give 'the public' an opportunity to comment
 - a. Very few rules
 - i. Must sunshine "early enough in advance of an adopted [school] budget to allow settlement prior to adoption"
 1. But... No rules if settlement doesn't occur before budget adoption
 2. And... No rules regarding content of opening proposals
2. Both parties must meet/negotiate in "Good Faith"
 - a. But... Very few rules
 - i. Proving violations is difficult
 - b. Settlement or Impasse
3. Declared Impasse: "2-party bargaining has failed!"
 - a. Now... Very few rules, but the State is still trying to protect itself
 - i. Either party can declare, PERB rarely/never disallows an Impasse
4. State Mediation (to protect the State!): 3rd_party Intervention!
 - a. PERB appoints mediator within 5 days of Impasse Declaration
 - b. Very few rules
 - i. No rules regarding mediator's conduct except to grant absolute authority for certification to fact-finding
 - c. Either party can propose its 'Last, Best Offer'
 - i. A smart/crafty/evil (you choose) District will propose significant cutbacks to language sections throughout the bargaining process, in addition to zero's/cuts to compensation items!
5. Fact-finding Hearing... a few rules; not many
 - a. Waive-able rules about timelines for naming state-appointed neutral and number of days by which hearing must occur.
 - b. Parties invoke (by specifically "not waiving") timelines
 - c. Hearing can produce Report [recommendations] or parties can settle
 - i. Mediation may continue throughout
 - d. District MUST make Report public within 10 days
 - e. Report's recommendations are non-binding
6. Required procedures are exhausted
 - a. Very few rules:
 - i. District is free to impose its 'Last, Best' offer... or not
 - ii. Union is free to strike... or not