

3357:13-12-092 Negotiations (CBA)

Negotiations constitutes Article V of the Agreement between North Central State College and the chapter of the North Central State Faculty Association-American Association of University Professors (NCSFA-AAUP)

Article V. Negotiations

Section 5.01 Initiating Negotiations

If either of the parties desires to commence bargaining on a successor agreement, it shall notify the other party, in writing, at least ninety (90) calendar days, but no more than one hundred twenty (120) calendar days prior to the expiration of the current agreement. Notification in writing from the Association shall be served on the College President, and from the College shall be served on the President of the Association. Any written request shall include the following information:

- (a) Date the request was written.
- (b) Statement of purpose of the meeting.
- (c) Name, position, address and phone number of the person who represents the initiating party so that the two representatives may arrange a mutually satisfactory time for the initial negotiations meeting.
- (d) The receiving party will send a written reply of acknowledgement within seven (7) calendar days.
- (e) The initiating party will provide notice to the State Employment Relations Board (SERB).

Section 5.02 Negotiations Meetings

- (a) The first negotiation session shall be held within (15) calendar days of the date the initial request of intent to bargain was received.
- (b) The first item of business will be the exchanging by both parties of negotiation proposals, written and in language suitable for inclusion in any final agreement. These initial negotiation proposals shall clearly note what current contract language has been modified or deleted and what new language has been added. Initial negotiations proposals shall enumerate articles the same way as in the current contract; shall leave an article out of the proposal package if there are no changes, additions or deletions to it; shall place all new articles at the end of the proposal package; and shall preserve the enumeration of provisions/sections within an article, as much as feasible. Once the parties have exchanged their fully written proposals, no new proposals may be introduced for consideration during the course of negotiations without the mutual consent of the parties. All tentative agreements reached by the parties shall be initialed by both parties. Once a tentative agreement is reached, no further discussion shall take place on the issue unless by mutual agreement.

- (c) All subsequent negotiation sessions shall be scheduled by the negotiating teams. A negotiating meeting shall not adjourn until a date, time, and place for the next session has been established. Meetings shall be scheduled with the least interruption of work/class schedules. All meetings, including mediation, shall be in executive session unless otherwise mutually agreed upon by both parties in writing.

Section 5.03 Negotiation Time Limits

- (a) Either party may call for a recess of the negotiation session to permit the requesting party to caucus. Caucus shall be of reasonable length.
- (b) Items under negotiation must be resolved to the mutual satisfaction of both parties, within sixty (60) calendar days of the first scheduled meeting. However, if both parties agree, extensions of time for negotiations may be granted. If no agreement is reached, the disagreement procedure outlined in this document shall be implemented.
- (c) Any time limits established under this Article may be modified by mutual agreement of both parties.
- (d) "Days" shall mean calendar days unless specified otherwise.

Section 5.04 Representation

- (a) Each team shall limit its representation to not more than six (6) members unless otherwise agreed upon at the first meeting. Each team shall designate one (1) chief spokesperson who shall make verbal response for team members and be responsible for signing any tentative agreements. Signed, tentative agreements shall not be changed except by mutual agreement by both parties.
- (b) Either party may call upon consultants at the expense of the requesting party. Such consultants may be used in the negotiating meetings; or for the purpose of providing information pertinent to negotiations. The cost of such consultant shall be borne by the party requesting their services.

Section 5.05 While Negotiations are in Progress

- (a) During any phase of negotiations, prior to the first scheduled mediation date, there will be no public releases of information to the media or public by either party. After the first scheduled mediation date, there will be no public releases of information to the media or public by either party without a 24-hour notice to the other party.
- (b) Both parties may issue progress reports to their respective members so as to keep their members informed with respect to the progress of negotiations.

Section 5.06 Agreement

When final agreement is reached through negotiations, the outcome shall be reduced to writing and submitted to the Association for ratification. Following ratification by the Association, the agreement shall be submitted to the Board of Trustees. Upon official adoption by the Board of Trustees the Agreement shall be signed by both parties. The two chief negotiators shall then make nonsubstantive organizational changes to the contract prior to its final printing. The College will provide an electronic copy of the ratified contract to all members of the bargaining unit.

Section 5.07 Disagreement

- (a) If after the sixty (60) calendar days after initiation of the bargaining process, the parties cannot reach an agreement on all issues being negotiated, either party may request, in writing, that the terms of the disagreement be submitted to the Federal Mediation and Conciliation Service (FMCS). If one party requests the services of a mediator, the other party will join in the written request.
- (b) The mediator shall have authority to call meetings for the purpose of promoting an agreement between the parties. The mediator has no authority to bind either party to any agreement(s).
- (c) If after thirty (30) calendar days the mediator cannot facilitate an agreement, the parties will have exhausted their contractual impasse procedure. The parties shall have the rights granted by Chapter 4117 of the Ohio Revised Code as conditioned and restricted therein.

Section 5.08 Alternative Methods of Bargaining

- (a) The College and the NCSFA-AAUP will meet at least 6 months prior to the contract expiration to discuss the possibility of engaging in alternative methods of bargaining. 9
- (b) If an alternative approach is mutually agreed upon, the ground rules for that approach will be decided by the College and the Association.

Effective: August 23, 2017

Expires: May 10, 2024

Review Dates: 12/17/08, 10/26/11, 8/27/14, 8/23/17, 8/25/21