

RESOLUTION 2012-042

WHEREAS, the Board of Education ("Board") is a party to a collective bargaining agreement with the Garfield Heights Teachers Association ("Teachers' Union"), effective July 1, 2011, through June 30, 2012, which was later extended by the parties to October 31, 2012;

WHEREAS, since May 23, 2012, the Board and Teachers' Union met for negotiations on approximately 12 dates and devoted significant time to negotiating;

WHEREAS, in October, 2012, the Board agreed to utilize the services of the Federal Mediation and Conciliation Services ("FMCS") to assist in securing a final tentative agreement with the Teachers' Union and had two school board members attend the final two negotiation sessions held with the assistance of FMCS;

WHEREAS, a final tentative agreement between the parties was reached on November 5, 2012, which provided new compensation ("new compensation terms") funded in part from health insurance cost savings achieved by adding a new spousal insurance requirement to the labor contract;

WHEREAS, on or about November 13, 2012, three days before the Teachers' Union membership was set to vote on the final tentative agreement, the Teachers' Union President sent the union membership correspondence stating "the negotiation team is not endorsing" the spousal insurance provision of the final tentative agreement;

WHEREAS, on November 16, 2012, the Teachers' Union President notified Superintendent Olszewski that the union membership voted down the final tentative agreement 174-1;

WHEREAS, based on the Teachers' Union negotiation team and leadership's handling of the union ratification vote and other actions, the Board filed an unfair labor practice against the Teachers' Union on or about November 30, 2012, alleging the Teachers' Union had violated its obligations under O.R.C. §4117.11(B)(1) & (3), including the requirement to bargain in good faith;

WHEREAS, on or about December 7, 2012, the Board notified the Teachers' Union that the November 5, 2012, final tentative agreement fully reflected the Board's last, best, and final offer and stated the Board would move forward with implementation on January 1, 2013, if the Teachers' Union membership had not adopted the last, best and final offer by December 14, 2012;

WHEREAS, on or about December 14, 2012, the Teachers' Union notified the Board that it had a proposal to resolve the labor contract, which included additional compensation not previously contemplated by both parties as well as all terms of the

November 5, 2012, final tentative agreement, and that the Teachers' Union stated "as a good faith gesture, the Association membership shall adopt the last, best and final offer with these additions no later than 12/21/12 and communicate that to the Board no later than 8:00 p.m. on 12/21/12 at which time the Board will consider ratification on these terms";

WHEREAS, on or about December 20, 2012, the Teachers' Union President notified the Superintendent that the Teachers' Union membership voted not to approve the Union's proposal to the Board and generally stated the Teachers' Union desired to continue negotiations, but did not contain any further proposal by the Teachers' Union;

WHEREAS, while the Board believes the circumstances strongly indicate that the parties have reached ultimate impasse, the Board takes its obligation to bargain in good faith seriously and wants to ensure there is "no realistic possibility that continuation of discussion at [this] time would have been fruitful";

WHEREAS, delaying implementation of the terms of the Board's last, best and final offer past January 1, 2013, will necessarily result in the Board not securing all of the cost savings associated with the new spousal insurance provision and could potentially impact the Board's ability to continue to extend the new compensation terms of its last, best and final offer;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Garfield Heights City Schools, County of Cuyahoga, State of Ohio, that:

Section 1: The Board of Education authorizes legal counsel to contact the FMCS mediator who had assisted the Board and Teachers' Union in reaching the November 5, 2012, final tentative agreement to request FMCS provide assistance to the parties now to see whether there is a realistic possibility that continuation of discussion at this time will be fruitful.

Section 2: As time is of the essence, the Board of Education requests its Superintendent, Treasurer and Assistant Superintendent be available outside the regular work day to meet with FMCS and the Teachers' Union negotiation team so as to ensure the least interruption of school schedules.

Section 3: The Board of Education authorizes its legal counsel and the two Board members who previously participated in negotiations with the assistance of FMCS to participate in the requested FMCS session.

Section 4: The Board of Education shall not unilaterally implement the terms of its last, best and final offer on January 1, 2013, based on the foregoing, but will meet to review the status of this situation by January 14, 2013.

Section 5: It is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board, and that all deliberations of the Board and any of its committees that resulted in such formal action were in meetings in compliance with all legal requirements, including R.C. §121.22.