**ESTABLISHMENT OF COLLECTIVE RIGHTS:**

**WHERE WOULD WE BE WITHOUT THEM?**

**Prior to 1950**



* No voice
* We Know What's Best For You!" working conditions
* Restriction of public rights
* "Jack or Jane of all trades"

**1953**

* CA Federation of Teachers attempts Collective Bargaining law — unsuccessful

**1950 through 1975**

* Right to address the Board of Trustees

**1963: George Brown Act *Passes***

* Right of employees to be represented and participate in employee organization
* No real teeth but did allow representation

**1965 to 1975 Winton Act**

* "Meet and Confer"-"Meet and Defer"- "Collective Begging"
* CEC-Certificated Employees Council with competing organizations on it for purposes of asking for working condition modifications/improvements; No verbal or written agreement required
* Non-members unrepresented

**75 to Present: Rodda Act (EERA)**

* Exclusive representative has responsibilities including the duty of fair representation
* Right to an exclusive representative, to organize, to bargain working conditions collectively including grievance procedure, right to dues deduction, release time for representation purposes
* Right to meet during non-work hours for union purposes, right to use the bulletin boards, mailboxes, etc.
* Public Education Relations Board (PERK) to oversee implementation of law
* Right to consult as exclusive rep on definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks
* Impasse Procedure and Binding Arbitration allowed

***The passage of the Education Employment Relations Act (EERA) was codified into Government Code beginning with 3540. The purpose of the act was to improve employee/employer relations as well as to allow employees a voice determining education policy. The right of management to make the "RULES" without regard to certificated employee input came to a screeching halt. Working conditions were allowed to be bargained and approved by members of the bargaining unit and the Board of Trustees. The “Association” as the exclusive representative was now allowed to represent its members in employee/employer matters and to appoint its own members to District committees as* representatives.**

The Educational Employment Relations Act, also known as the EERA, the Rodda Act, or the Collective Bargaining law, governs labor/management relations in California K-12 public schools and community colleges. It was passed in 1975, and is found in **Government Code Sections 3540 through 3549.3.**

**THE EDUCATIONAL EMPLOYMENT**

**RELATIONS ACT: Exclusive Rep's Right to**

**Represent its Unit Members**

The EERA created the Educational Employment Relations Board to administer the act. This was later renamed PERB or the Public Employee Relations Board as we know it today. The EERA also defined the scope of bargaining, unfair labor practices, and impasse procedures as well as provided for binding arbitration of grievances, and required public notice known as "sunshining."

**PURPOSE: GOVERNMENT CODE 3540**

* To promote the improvement of personnel management and employee-employer relations
* To afford certificated employees a voice in the formulation of educational policy
* To select one employee organization as the exclusive representative

The ability to organize legally, to bargain collectively, and to consult on educational policy were critical new rights in the 70's. Since then the educators have worked hard to achieve provisions we have in our contracts and to improve and approve curriculum and educational objectives. Rights like using the mailboxes for association literature and having association bulletin boards were achieved because of the new law.

**RIGHT TO REPRESENTATION: GOVERNMENT CODE 3543.1**

* An exclusive rep has the right to represent its members in employment relations with public school employers.

**DUTY OF FAIR REPRESENTATION: GOVERNMENT CODE 3544.9**

* An exclusive rep shall fairly represent each and every employee in the unit.

**SCOPE OF REPRESENTATION: GOVERNMENT CODE 3543.2**

**BARGAINING - THE SCOPE OF REPRESENTATION:** Wages, hours of employment, health and welfare benefits as defined by Section 3543.2, leave, transfer and reassignment policies, safety conditions of employment, class size, evaluation procedures organizational security, processing grievances, the layoff of probationary certificated school district employees, alternative compensation or benefits for employees adversely affected by pension limitations.

**ANAHEIM DECISION: TEST FOR DETERMINING SCOPE OF BARGAINING:** A subject is negotiable even though not specifically enumerated in the statute if:

1. It is logically/reasonably related to an *enumerated* term and condition of employment, (wages, etc.);
2. the subject is of such concern to both management and employees that conflict is likely to occur and the mediatory influence of collective negotiations is the appropriate means of resolving the conflict; and
3. the employer's obligation to negotiate would not significantly abridge his freedom to exercise those managerial prerogatives (including matters of fundamental policy) essential to the achievement of district's mission.

**CONSULTS/COMMITTEES - THE RIGHT TO MEET ABOUT THE:**

* Definition of educational objectives;
* determination of the content of courses and curriculum; and
* the selection of textbooks.