

**MEMSPA How-to Guide for Organizing an
Administrators Association and Obtaining
Negotiations**

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GUIDELINES

1. Adopt a Constitution which includes as one of your purposes the representation of members for purposes of collective bargaining (see sample).
2. Become familiar with the provisions of the Public Employment Relations Act (1965 Public Act 379). Copies are available from the MEMSPA office.
3. Obtain properly signed and dated Authorization Cards (see sample) from the persons in the unit of employees you seek to represent. Attempt to obtain Authorization Cards from at least a majority of all administrative and supervisory personnel below the rank of Assistant Superintendent.
4. While soliciting signed Authorization Cards from these employees, discuss with them their needs, desires and ambitions for improving their profession and their working environment. Remember that the Administrators Association you are promoting will belong to its members and that their policies will be its policies. Remind your fellow professionals that the Association will exercise significant influence in shaping the policy of the Board of Education—it will therefore be important that each administrator make his/her feelings on the issues known to the Association. To this end, hold one or more meetings of your Association to discuss mutual concerns as well as strategies for remedying them. Appoint committees to draft proposals to be submitted to the Board of Education.
5. Should you obtain Authorization Cards signed by a majority of the employees in the unit you seek to represent, send a letter to the Board of Education requesting that your Administrators Association be recognized as the bargaining representative (see sample letter #1).
6. If you receive a favorable response to your request for recognition, respond by requesting meeting dates for negotiating a master agreement. You should have your bargaining demands prepared in written form and be ready to discuss them with the Board's representative.
7. If the Board responds by requesting that you prove that the Association represents a majority of the administrators, reply cautiously. Do not agree to show the Authorization Cards to a representative of the Board—such an action will simply identify for the Board the 'union agitators' and subject them to possible retaliation. Rather, agree to submit the cards to a trustworthy, neutral third party (a member of the local clergy may be suitable for this purpose); have that person compare the signatures on the cards with signatures provided by the Board and thereby verify that the

Association represents a majority. Once this action is accomplished, the Board should extend recognition to the Association.

8. If your initial letter to the Board generates no response, send a second letter (see sample letter #2). If the Board fails to recognize your Association as the representative of the administrators in your district, contact the MEMSPA office for assistance in preparing and filing a petition for an election with the Michigan Employment Relations Commission. A petition may not be filed unless you have Authorization Cards from at least 30 percent of the employees you seek to represent.
9. Watch carefully for any evidence of intimidation of Association officers or known Association adherents by representatives of the District. Threats, coercion, discriminatory assignments or similar acts designed to discourage organization or negotiating efforts are unlawful. Record any such facts which may provide grounds for unfair labor practice charges.
10. For any assistance you need in securing legal recognition and in negotiating procedures, contact the MEMSPA office.

SAMPLE CONSTITUTION

ARTICLE I

NAME

This organization shall be known as the _____
Administrators Association.

ARTICLE II

OBJECTS

This Association declares that its objects shall be as follows:

To uphold and to bargain for decent standards of living by establishing, through collective bargaining, decent wages, hours and working conditions for its members.

[Additional language listing further objects of the Association may be added.]

ARTICLE III

MEMBERSHIP

Section 1. This Association shall be composed of employees eligible for membership as defined in Section 2.

Section 2. All administrative employees of the _____
Public Schools below the rank of Assistant Superintendent shall be eligible for membership in this Association.

Include additional provisions in the Constitution:

1. Authorizing the election of officers
2. Setting dues and initiation fees
3. Setting procedures for amending the Constitution

SAMPLE AUTHORIZATION CARD

Pursuant to the Public Employment Relations Act, 1965 Public Act 379, I,
_____, hereby designate and select the _____
ADMINISTRATORS ASSOCIATION, as my representative and agent for
professional negotiation and collective bargaining, and authorize such
Association to act in my behalf in all collective negotiation with respect to wages,
hours, and the terms and conditions of my professional employment with the
_____ SCHOOL DISTRICT.

Name

Signature

School

Position

Home Address

Date

SAMPLE AUTHORIZATION CARDS
NOTARIZED STATEMENT

This is to certify that I have examined _____ Authorization Cards presented to me by the _____ Administrator Association. In comparing the signatures with the School District lists of administrative personnel to be represented by the _____ Administrator Association, I find _____% of the administrative personnel of the _____ School District have authorized the _____ Administrator Association to represent them for purposes of collective negotiations under the provisions of the Public Employment Relations Act, 1965 Public Act 379.

Date

Signature & Title

Date

Signature of Witness

The person(s) whose signature(s) appear(s) above subscribe(s) and swear(s) that the statements above are true.

Subscribed and sworn to before me this
_____ day of _____, 20____.

Name of
Notary

Signature of Notary Public

County

Comm.
Expires

SAMPLE LETTER #1

Date

TO THE _____ BOARD OF EDUCATION:

As you know, under the Public Employment Relations Act, 1965 Public Act 379, Michigan school districts are required as a matter of law to negotiate with representatives of their employees concerning wages, hours, and other terms and conditions of public employment.

The _____ Administrators Association represents a majority of all administrative and supervisory personnel below the rank of Assistant Superintendent in your district as we are prepared to demonstrate in an appropriate manner. We are accordingly requesting that you recognize our Association as the exclusive representative of administrators for professional negotiations or collective bargaining and that you arrange with us as soon as possible to meet for the purpose of working out the provisions of an agreement concerning educational professional working conditions. We would like to complete negotiations as soon as possible, so your early cooperation will be appreciated.

President

Administrators Association

SAMPLE LETTER #2

Date

TO THE _____ BOARD OF EDUCATION:

On _____ we wrote to you requesting that you recognize the _____ Administrators Association, as the exclusive bargaining or negotiating representative of the administrators in your school system so that we could begin negotiations with you for an agreement covering wages, hours and working conditions of your administrative employees.

We have received no reply from you to-date. We are sure that you realize that under the Public Employment Relations Act, 1965 Public Act 379, every Michigan school district is required to negotiate in good faith with the bargaining representative selected by a majority of its employees in supervisory as well as non-supervisory assignments. The law provides various remedies for a failure or refusal on the part of a school district in carrying out this obligation.

If we do not hear from you by return mail within _____ days, we shall be compelled to take this matter to the Michigan Employment Relations Commission for appropriate action.

President

Administrator Association

SAMPLE

RESOLUTION OF BOARD OF EDUCATION
GRANTING VOLUNTARY RECOGNITION

RESOLUTION

WHEREAS, a majority of the principals, _____, _____, and _____ of the _____ School District are members of the _____ Administrators Association and have designated said Association to be their exclusive representative with respect to professional negotiation concerning terms and conditions of employment; and

WHEREAS, the _____ Administrators Association has requested this Board to grant recognition to it as the exclusive representative of all principals, _____, _____, and _____; and

WHEREAS, this Board had determined that the Association does represent a majority of all principals, _____, _____, and _____, and that such group constitutes an appropriate unit for the purpose of professional negotiations; and

WHEREAS, this Board may extend recognition to the _____ Administrators Association pursuant to the provisions of the Michigan Public Employment Relations Act (1965 Public Act 379) and decisions of the Michigan Employment Relations Commission thereunder, and

WHEREAS, it is in the best interest of the _____ School District to extend recognition to the _____ Administrators Association for the purpose of professional negotiations,

NOW THEREFORE, BE IT RESOLVED:

1. That the Board of Education of _____ School District does hereby recognize the _____ Administrators Association as the exclusive representative of all principals, _____, _____, and _____, but excluding the Superintendent of Schools, _____, _____, and _____, for the purpose of professional negotiations with respect to terms and conditions of employment.

2. That representatives of this Board meet with representatives of the _____ Administrators Association for the purpose of engaging in professional negotiations with respect to terms and conditions of employment. In the event that mutual agreement is reached with the Association, that this Board execute a written contract incorporating such agreements.
3. That a certified copy of this Resolution be immediately forwarded to the Association.

Date

President

Board of Education

TECHNIQUES OF NEGOTIATION

By Fred Seymour, Assistant Executive Secretary,
Alberta, Canada, Teachers' Association.

PRINCIPLES OF NEGOTIATION

1. Never confuse opposition with hostility—opposition is the normal reaction of negotiation.
2. Demonstrate sincerity of purpose. This is far more important than skill and knowledge. Attitudes speak louder than actions.
3. Show that both parties have a mutuality of interest—not necessarily an identity of interest.
4. Don't dwell on the legality or the propriety of your approach—dwell on the logic of your approach to the appropriate authority.
5. Don't over-emphasize the parity concept. Parity denotes greed, avarice; advance the proposition that you are being treated less favorably than other comparable professional groups. The concept of equity carries psychological punch.
6. When there is an item in negotiations on which it is clear that agreement has been reached, and providing that the item is not interrelated with other requests, it is good business to accept. Your action will demonstrate good faith, honesty, and sincerity.
7. Never do anything that will be an impediment to negotiations of tomorrow—you may have to lose a battle to win a war.
8. Always remember that it is easier to persuade a person to make up their mind than to change it.
9. The skillful negotiator proceeds carefully at all times. He first attempts to get agreement on principle. Talk form or contour—not substance. When you get agreement on the principle of change—then start to take on the price tag.
10. Never, never, maneuver anyone into a position from which he cannot retire with grace.
11. Remember that agreement pressures agreement—if you can agree on one item, it will have a salutary effect on settlement of other issues.
12. When agreement is reached on an item, have duplicate cards prepared with language agreed upon and have spokesperson for each group sign the cards.

TEN COMMANDMENTS FOR NEGOTIATIONS

1. Don't lose your temper—you'll lose your point.
2. Remember that you're trying to win agreement—not argument.
3. Apologize when you're wrong—even on a minor matter.
4. Don't imply superior knowledge or power.
5. Know and admit the impact of your demands.
6. Acknowledge with grace the significance of the other's comment or statement of fact.
7. Remember that the ability to separate from fact opinion is the mark of a clear mind and reflects intellectual honesty.
8. Stay with your point—pursue your objective, but don't deviate.
9. Bargain in good faith—your intellect will tell you when you're bargaining and your conscience will tell you whether you have good faith.
10. Don't quibble—say what you mean—mean what you say. If you want the truth, give it.