



Boulder Valley School District

File: HG

Adopted: October 27, 1977

Revised: April 28, 1994

METHOD OF DETERMINING STAFF NEGOTIATING ORGANIZATIONS

Recognition of an Organization by the Board of Education

1. **Election Request** - Upon receipt of a petition so requesting and signed by at least 30 percent of the employees of the District who are eligible for inclusion in a negotiating unit as set forth in this policy, the Superintendent of Schools will call an election to permit such employees to determine which organization, if any, should be recognized by the Board of Education as the negotiating unit representative in (1) matters pertaining to salaries, (2) terms and conditions of employment, and (3) processing of alleged grievances.

2. **The Unit** - A "unit" as referred to in this policy shall mean an employee group organized in one of the following classifications:

- a. Central office and building administrators, supervisors and coordinators, and generally all personnel holding supervisory power over other employees and/or who evaluate the performance of other employees, except Assistant Superintendents and directors;
- b. Certificated teachers, librarians, counselors, reading specialists, psychologists, speech and language specialists, and social workers who are employed in such capacity on at least a half-time contract;
- c. Regularly employed service personnel who hold no supervisory responsibility over others;
- d. Regularly employed secretarial and clerical personnel except the secretary to the Superintendent; and
- e. Paraprofessionals including instructional aides, clerical aides, special education aides, and lunchroom supervisors and other paraprofessionals not covered by other bargaining groups.

3. **Petition Procedures** - Petition forms shall be prepared by the Superintendent and be made available to members of the petitioning body upon written request to the Superintendent.

A copy of this policy shall be attached to all petition forms. Petition forms shall indicate that those who sign are certifying that (1) they have read this policy; (2) that they request

the Superintendent to call a representative election pursuant to provisions set forth in this policy; and (3) that to the best of their knowledge, they are employees of the District who are eligible for inclusion in the negotiating unit.

4. Notice of the Call for an Election - Within ten days during the regular school year following the receipt by the Superintendent of petitions bearing the valid and certified signatures of at least 30 percent of the employees of the District who are eligible for inclusion in the negotiating unit, the Superintendent shall cause notice to be posted for a period of ten days in each school, and the central offices of the District. Such notice shall include the following:

- a. The date of the posting of the notice;
- b. A statement to the effect that a petition has been duly filed with the Superintendent requesting that a representative election be held;
- c. A statement to the effect that a representative election will be held on the date specified to determine which organization, if any, should be named the exclusive representative of the negotiating unit pursuant to this policy; and
- d. A statement describing the employees eligible to vote in the election.

5. Placing the Name of an Organization on the Ballot - To be eligible for inclusion on the ballot, an organization must limit its membership to employees of the District, must have a constitution and by-laws that provide for democratic practices and procedures, and must not discriminate with regard to terms and conditions of membership because of race, religion, sex, age, color, national origin, marital status, or disability. The name of any such organization will be placed on the ballot if the following are filed with the Superintendent at least ten days prior to the election:

- a. A copy of the constitution and by-laws of the organization;
- b. A statement naming the organization's officers and the dates on which their terms of office expire;
- c. A statement, signed by those officers, certifying that they have been duly authorized to represent the membership in seeking a negotiated agreement with the Board of Education.

6. The Election and Subsequent Recognition - Limitations - The Superintendent shall set a date for the representative election. The election shall occur not less than 15 nor more than 30 days following the expiration of the notices as set forth above.

The form of the ballot, and the procedures and rules governing the conduct of the election and the canvassing of ballots shall be established by a committee of an equal number of representatives from the District as designated by the Board and each organization(s) desiring to be listed on the ballot. The committee may agree upon an impartial party to conduct such election.

The Superintendent shall provide the ballots and space for casting them. The Superintendent and each organization on the ballot shall provide personnel to supervise the elections. Payment of other expenses shall be borne equally by each organization named on the ballot unless otherwise agreed upon in advance by the Board and those organizations.

Voting shall be limited to persons eligible for inclusion in the negotiating unit as set forth in this policy. The choices on the ballot shall include each organization which has been duly nominated pursuant to this policy and a choice of "no organization." Voter eligibility lists shall be determined from the last payroll before the election.

The choice receiving a simple majority of the total number of votes cast in the election shall, upon the canvassing of the ballots, be declared the designated choice of negotiating unit representative for a period of two years beginning July 1 following expiration of the previous period of representation.

If no choice receives a simple majority of the total number of votes cast, a run-off election shall be held within 15 days after the vote has been canvassed. The choices appearing on the ballot at such an election shall be the two choices receiving the largest number of votes in the first election.

At the next regular meeting following the representative election, or run-off election, the Board, upon determining that an organization has been elected, shall adopt a resolution recognizing that organization as the representative of all personnel eligible for inclusion in the negotiating unit for the period, purposes, and in accordance with the provisions set forth in this policy.

Recognition will be automatically extended for two-year periods, except as the Superintendent receives petitions for representative elections pursuant to this policy. The Superintendent shall set a date upon which petitions shall be accepted, that date to occur not less than 60 nor more than 90 days prior to the expiration of the prior period of representation.

7. Future elections of a representative organization and recognition of an organization shall occur as provided for in this policy.

8. **Effective Date** - This policy shall take effect April 28, 1994.

9. **Savings Clause** - In the adoption of this policy, the Board hereby declares that nothing contained herein is to be construed so as to delegate or limit the power, duties, discretion, and responsibilities of a board of education as prescribed by the constitution and laws of the State of Colorado. If any provision of this policy — or any application of this policy — shall be found contrary to law, such provision or application shall have effect only to the extent permitted by law.

AGREEMENT REFS.: Teachers' agreement, Sections A, B
Office personnel agreement, Sections A, B
Paraprofessionals' agreement, Sections A, B
Service personnel agreement, Articles IV, V

CROSS REFS.: HA, Negotiations Goals (Principles Guiding Negotiating Procedures)
HE, Board Negotiating Agents (pertains to negotiating teams or outside consultants representing the negotiating parties)

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