

- 06.21.22: MCEA Opening Proposal
- 07.11.22: MCPS Counterproposal
- 07.14.22: MCEA Counterproposal
- 08.10.22: MCPS Counterproposal 5:21 PM
- 08.10.22: MCEA LBFO 5:35 PM
- 09.29.22: MCPS Counterproposal
- 10.20.22: MCEA Updated LBFO

**GROUND RULES FOR COLLECTIVE BARGAINING  
BETWEEN  
THE MONTGOMERY COUNTY PUBLIC SCHOOLS  
AND  
THE MONTGOMERY COUNTY EDUCATION ASSOCIATION**

**Re: Successor Negotiated Agreement Beginning Fiscal Year 2024**

**1. Negotiation Time and Places**

- (a) Meetings shall occur at mutually acceptable dates, times, and locations. Any changes will be discussed at least 24 hours in advance.
- (b) Both parties agree that bargaining sessions will occur outside of the duty day in order to limit the impact on students. However, in the event bargaining team members meet during the duty day, they will be granted union business leave (UBL). MCPS shall provide this UBL without loss of pay for the MCEA Bargaining Team members for the purpose of attending aforementioned meetings. These UBL days will be charged to the existing bank of 500 contractually available UBL days in the negotiated agreement. In the event the 500 contractually available days are exhausted prior to bargaining completion, MCPS agrees to continue granting UBL to bargaining team members for negotiation-related purposes until the contract is ratified and printed.
- (c) The schedule for meetings shall be two virtual negotiations for every in-person negotiation session.
  - i) MCEA will arrange the Zoom meetings for the virtual sessions. The virtual meetings will be held as Zoom webinars.
  - ii) When in person, the meetings will alternate between a MCPS facility and the MCEA Conference Center at 12 Taft Court. Open sessions at the MCEA Conference Center or hosted by MCPS will also be live streamed as a Zoom webinar.
  - iii) With respect to Zoom webinars:
    - a. Neither party will record the Zoom webinar and the setting for saving a closed caption transcript will be disabled;

**Commented [C1]:** 09.29.22: TA'd by MCPS

**Commented [C2]:** 10.20.22: TA by MCEA

**Commented [BSN3R2]:** 10/26/22: This term was proposed to clarify that all of the proposed 5 open sessions would be live streamed and is conditioned on the acceptance of the limitation on the number of open sessions.

- b. Access to Zoom webinars will be given to MCEA unit members and anyone designated by either party by MCPS from within MCPS's administration in advance of the session;
- c. Observers who register will receive a unique Zoom link from MCEA that cannot be shared with someone who has not registered;
- d. Only bargaining team members and identified subject matter experts will be admitted as panelists in the webinar and only panelists will be permitted to speak during the webinar;
- e. During negotiation sessions when both parties are at the table, the chat, reactions, and "Q&A" features for attendees will be disabled;
- f. During negotiation sessions when both parties are at the table, neither party will post polls, surveys or quizzes in the webinar; and
- g. All streaming of the webinars will occur only through Zoom.

(d) ~~Bargaining shall begin no later than October 18, 2022~~ November 11, 2022.

Commented [C4]: 10.20.22 - New date needed. We propose November 3rd.

## 2. Participation

- (a) Each party will designate a chief or lead negotiator. That person serves as the primary contact and is the only person who may speak on behalf of their organization during negotiation sessions. The chief or lead negotiator may designate their bargaining team members to speak during any discussion.
- (b) Parties may invite subject matter experts to bargaining sessions for the sole purpose of presenting relevant information for the topic(s) of the session. The subject matter expert may speak for no more than five (5) minutes, unless the parties agree that more time is required, and will then be available for questions.

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## 3. Observers

- (a) Any observers invited to watch negotiation sessions are strictly in attendance for observation. They will not be speaking unless pre-identified as a subject matter expert. There will not be signage – but messaging on one's person, including but not limited to buttons, stickers, and clothing, are permitted.

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- (b) ~~At each negotiation session, the number of MCEA observers will be limited to no more than 10% of the total number of MCEA unit members.~~ The first through fifth sessions will be open to all bargaining unit members to attend and observe if held in-person or virtually as a Zoom webinar. The first thirty (30) minutes of each subsequent session

**will be conducted virtually to provide a joint update to unit members. The remainder of those sessions will be held in closed sessions.**

- (c) Observers, whether in-person or virtual, will be reminded that MCPS does not consent to be electronically recorded and will be asked not to record any negotiation sessions.

#### 4. Negotiations

- (a) Each party shall make available to the other relevant information and data (collectively, "information") for the purposes of preparing for and participating in negotiations. Requests for relevant information may be made at any time and will provide the receiving party sufficient time to locate and compile the information and to make necessary redactions (as may be required by law). The parties will agree at the time of the request on an appropriate timeline for a response.
- (b) New issues will not be brought up after the 5th meeting, recognizing that a new issue may arise as an outgrowth of a previous issue.
- (c) As agreements are reached they shall be put in written form, date and time stamped, and labeled as tentative agreements. If tentative agreement is reached during an in-person bargaining session, two copies of each shall be signed by the chief or lead negotiator for each party. If tentative agreement is reached during a virtual bargaining session, the chief or lead negotiator of the party whose proposal was accepted will e-mail the final electronically signed version to the other party's chief or lead negotiator who shall return the tentative agreement with their electronic signature.
- (d) The tentative agreement will contain the history of proposals and counterproposals exchanged between the parties throughout the negotiating process with dates and which party provided the relevant proposal (for example – "10.22.19 - MCEA initial" and "10.24.19 - MCPS Counter").
- (e) The parties understand and acknowledge that each matter upon which the parties reach agreement takes effect only after ratification of the negotiated Agreement by both parties.
- (f) Unless a provision of the existing collective bargaining agreement is reopened by either party and alterations are agreed to by both parties, the existing provisions shall carry over, unaltered, to the successor negotiated Agreement. The same shall hold for existing memorandum of understanding, letters of agreement, collective bargaining appendices, and all other such existing agreements between the parties.
- (g) The parties will not record electronically negotiations sessions, mediation proceedings, or arbitration proceedings, whether held in-person or virtually.

(h) Each party agrees to provide the other party with as much advance notice as is possible of a media outlet report on the substance of negotiations or of a press release to be issued so that the other party is prepared to receive and respond to inquiries resulting from the report or press release.

**For Montgomery County Public Schools:**

**For Montgomery County Education Association:**

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Steven N. Blivess, Esq.                      Date  
Lead Negotiator

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Heather Carroll-Fisher                      Date  
Executive Director

