

## Article 4: Negotiation Procedures

### A. Establishing Ground Rules

1. To the extent possible, ~~Negotiations~~ negotiations will begin no later than nine months prior to the expiration of the agreement.
2. Twelve months prior to the expiration of the Agreement, the parties will meet to establish negotiation procedures. Such procedures shall include, but not be limited to meeting dates and times, locations, limitation on the number of team members, consultants and/or facilitators, and/or observers, tentative Agreement procedures, communications to the press and public, expense sharing of third-party neutrals, and procedures for joint union bargaining (if agreed upon). The parties may also discuss and establish other procedures.

~~Twelve months prior to the expiration of the Agreement, the parties will meet to establish negotiation procedures. Such procedures shall include, but not be limited to meeting dates and times, locations, limitation on the number of team members, consultants and/or facilitators, and/or observers, tentative Agreement procedures, communications to the press and public, expense sharing of third-party neutrals, and procedures for joint union bargaining (if agreed upon). The parties may also discuss and establish other procedures.~~

- ~~2.3.~~ This Agreement may be modified in whole or in part by an instrument in writing duly executed by both parties.
- ~~3.4.~~ The Board of Education will not select unit members covered by this Agreement for its negotiating team or nor will it select unit members covered by this Agreement to be in its negotiations group.

### B. Impasse Procedures

- ~~1.~~—Should either party determine an impasse exists, the parties shall follow the procedures as provided for in Section 6-408 of the Education Article of the Annotated Code of Maryland relating to impasse ~~shall be followed~~.

### C. -Full Agreement and Fiscal Authority Decisions.

1. ~~Full Agreement.~~ It is agreed and understood by the parties hereto that this Agreement represents the full Agreement between said parties to date on all matters negotiated in accordance with Section 6-408 of the Education Article of the Annotated Code of Maryland and that this Agreement shall be given full force and effect by said parties for the entire term thereof.
2. ~~Fiscal Authority Decisions.~~ If the Montgomery County Council, in the exercise of its fiscal authority under the law, reduces the budget recommendations of the Board of Education and

such action makes it necessary for the Board to reduce one or more items that have been negotiated, such items and all other negotiated items that are dependent upon budget funding shall be subject to renegotiation. Any resolution jointly reached through renegotiation will constitute the final Agreement between the parties. In the absence of agreement, the Statute and any relevant interpretive decisions will control.

#### **D. Impact Negotiations**

1. MCEA retains the right to invoke negotiation procedures when unilateral changes to working conditions occur.
2. Upon MCEA's request, MCPS will begin impact negotiation proceedings within ten (10) duty days of the date of the initial request. An alternate timeline can be mutually agreed to in writing by both parties.
3. ~~MCPS will notify MCEA in writing 30 days in advance of any change in working conditions.~~