

Important Information Regarding a Board Request to Open Your Act 93 Agreement

Content:

Recently, we have had numerous calls from Act 93 groups indicating that the board of school directors has asked the group to consider opening their Act 93 Agreement and take a wage freeze for the upcoming school year. **There are a number of factors you should be aware of if this request is made.**

- If you have an active Act 93 agreement that extends beyond the end of the existing school year, it **may not** be altered or changed unilaterally by the board or Superintendent. Changing an existing Act 93 requires the consent by majority vote of the Act 93 group members.*
- Act 93 groups **should not** agree to changing or opening an Act 93 agreement without first having a meet and discuss session with the board to determine precisely what it is the board wishes you to consider for change.
- If the Act 93 group agrees to **consider** the suggested change, the group should request that the board put its specific request in writing (**in Memorandum of Understanding form**) and cite the specific sections and parts of the agreement affected as well as the specific years of the agreement affected.
- The Act 93 group should conduct a discussion and vote on the request if a majority of Act 93 members agree to consider the request.
- If the Act 93 group votes (by majority of all members) to accept the change, than the agreement may be modified as per the Memorandum of Understanding.* This change would apply only to a future year in the Act 93 Agreement and could not be retroactive taking things from members that they have already accumulated. If all act 93 members agree, it may be advisable to have them sign the memorandum.
- It would be wise to have PAESSP review the written documents before your group agrees to them with the board of school directors.
- The Act 93 group may vote down the board proposal; and if the board is willing to meet, then discuss options that would be more agreeable to the Act 93 group. For example, some Act 93 groups have accepted a wage freeze, but acquired extra time off; or an agreement to not furlough** any Act 93 members. Some have added extra years to the agreement and maintained all the existing benefits as well as modest raises in the out years.
- PAESSP is always available to assist you in reviewing requests and or specific purposed changes.

**To our knowledge, no cases have appeared before the courts challenging the concept that a majority vote of the Act 93 members is sufficient to change future years in an existing Act 93 Agreement, however, it is our best guess that courts would support this vote for alteration.*

***To our knowledge no cases have appeared before the courts challenging a school boards right to alter an Act 93 Agreement on a re-opener with the consent of a majority of Act 93 members. We believe it highly unlikely that a school board would challenge its own decision to restructure the Act 93 during the duration of the agreement.*

Following are samples of Memoranda of Understanding used between school boards and Act 93 teams:

MEMORANDUM OF UNDERSTANDING

BETWEEN THE _____ AREA SCHOOL DISTRICT ACT 93
CENTRAL OFFICE, MANAGEMENT EMPLOYEE AND MANAGEMENT SUPPORT EMPLOYEE
SUBGROUPS AND THE _____ AREA BOARD OF SCHOOL DIRECTORS

RE: Addendum to Act 93 Agreement dated 7/1/08 – 6/30/13

It is agreed that the _____ Area School District Act 93 central office and management employees subgroups will accept a zero percent (0%) salary increase for the 2011-2012 school year and waive the raises to which they are entitled under *Compensation Plan*, section I, *Plan Description* for the 2011-2012 school year only.

This agreement applies to the above stated section of the Act 93 agreement only. No other part of the current Act 93 agreement will be changed or altered. All other sections of the existing Act 93 plan remain intact for the remainder of the agreement.

As part of this addendum, both parties agree that no members of the central office and management employees Act 93 subgroups will be furloughed during the 2011-2012 school year. If furloughs are forced by state law, this agreement is considered null and void.

Adopted this _____ day of _____, 2011.

Area School District Board President

Administration Representative

School Board Representative

Administration Representative

School Board Representative

Administration Representative

MEMORANDUM OF UNDERSTANDING

BETWEEN THE _____ AREA SCHOOL DISTRICT ACT 93
CENTRAL OFFICE, MANAGEMENT EMPLOYEE AND MANAGEMENT SUPPORT EMPLOYEE
SUBGROUPS AND THE _____ AREA BOARD OF SCHOOL DIRECTORS

RE: Addendum to Act 93 Agreement dated 7/1/08 – 6/30/13

It is agreed that the _____ Area School District Act 93 central office and management employees subgroups will accept a zero percent (0%) salary increase for the 2011-2012 school year and waive the raises to which they are entitled under *Compensation Plan*, section I, *Plan Description* for the 2011-2012 school year only.

This agreement applies to the above stated section of the Act 93 agreement only. No other part of the current Act 93 agreement will be changed or altered. All other sections of the existing Act 93 plan remain intact for the remainder of the agreement.

As part of this addendum, both parties agree that the existing Act 93 Agreement will be extended through the 2013-2014 school year maintaining all of the existing benefits and that for the 2013-2014 school year Act 93 members will receive a 3% salary increase.

Adopted this _____ day of _____, 2011.

Area School District Board President

Administration Representative

School Board Representative

Administration Representative

School Board Representative

Administration Representative