



Negotiations and Voting

Question:

Our district has a question regarding a board member that is on the district's negotiating team and is directly involved in the negotiating process. Can such a board member that sits at the negotiations table then vote on whether to accept the negotiated agreement when it comes to the board or are these board members that have been directly involved in negotiations supposed to abstain when it comes time for ratification?

Answer:

The issue in the past was when a board member is sitting at the negotiations table and then had to sit at a financial emergency hearing or the imposition of a last best offer and whether or not the experience of sitting at the table biased that board member from voting in those types of situations. In today's setting, if those specific situations are not in play in your district then the board member should not have to abstain. However, ISBA still recommends that a quorum of the board to not be at the table in order to be free from any allegation of bias, regardless of whether it is valid or not. If the parties have reached a tentative agreement and the local association has ratified, there should be no problem with a board member who participated at the table voting (after a quorum of non-participating board members have voted). At that stage the participating board member's vote is likely irrelevant to the outcome.

contact us with your question:



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