

Frequently Asked Questions: Collective Bargaining Between the Weston School Committee and Weston Education Association

INTRODUCTION

How does the collective bargaining process work in Massachusetts school districts – and in Weston, in particular?

Every three years, collective bargaining units, or labor unions, in school districts across the state negotiate work contracts in a process that involves school committee members, district administrators, union representatives, and others. The Weston Public Schools have six labor unions, one of which is the Weston Education Association (WEA), whose approximately 250 members consist primarily of the district's teachers. In February 2022, the Weston School Committee and WEA began negotiations on a successor agreement. As of December 2022, the two groups had met 19 times without reaching mutually acceptable successor language.

What can the District share about the process?

Weston residents are understandably curious about the negotiations' status, and the committee seeks to respond to their questions in a transparent, timely and informative manner.

- Our public school teachers, as public employees, play a critical role in the functioning of our town by supporting the academic, social, emotional, and physical development of our family members and neighbors. The district is extremely grateful for their service and dedication to our children.
 - The District has provided a market-leading total compensation package that has resulted in exemplary retention, professional growth, and results for our students.
- At the same time, the committee is mandated with preparing a fiscally responsible budget that takes into account that Weston's tax base consists primarily of a relatively small number of residential properties and an aging population. Unlike urban districts with substantial commercial activity and an exponentially greater number of taxpayers, Weston's 3,700 families feel the effects of tax increases on their already high [annual average tax bill of \\$22,766](#).
 - And unlike in cities, where elected representatives vote to approve budgets, all residents in towns like Weston have the opportunity to vote at annual town meetings and thus approve or disapprove proposed budgets. A significant portion of these budgets are composed of the salaries of town employees, including WEA members.
- Thus, the committee must balance providing a competitive compensation package while avoiding recommending increased taxes without substantial justification.

What standards govern the type of information included in these FAQs?

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All responses here are derived from publicly available information including reports published by the Department of Elementary and Secondary Education (DESE) or delivered by the committee in open-meeting presentations. The committee will not use this platform to divulge information shared in confidence during private negotiating sessions, such as proposals, counter proposals, and explanations for proposing or rejecting particular positions.

- Bargaining in good faith requires that, unless both sides agree to the contrary, collective bargaining occurs *only* in closed “executive” sessions. Revealing what occurs during these sessions would thus be tantamount to forcing one side to bargain in the open without their consent, which is prohibited by the law.¹
- The public’s official role in collective bargaining is limited to electing school committee representatives and approving (or disapproving) the budget at town meeting.

The committee intends to update this document, so please feel free to submit questions via email to schoolcommittee@weston.org. The committee will also post updates via its pages on [Instagram](#), [Facebook](#), and [Twitter](#).

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THE WEA AND ITS AGREEMENT WITH THE COMMITTEE

Whom does the Weston Education Association (WEA) represent?

WEA members consist of classroom teachers, librarians, learning specialists, guidance counselors, school social workers, nurses, special education teachers, instructional coaches, and speech and language therapists. The WEA doesn’t include administrators like the superintendent and principals, instructional assistants, administrative assistants, cafeteria workers, custodians, bus drivers and other employees.

How is the WEA managed?

The WEA is managed as a democratic organization, which by definition does not and cannot necessarily represent the views of each member. It represents the views of a majority of the

¹ See Board of Selectmen of Marion v. Labor Relations Commission, 7 Mass.App.Ct. 360, 362 (1979). “The reason underlying this conclusion is that the presence of press and public induces rigidity and posturing by the negotiating teams and provokes in them anxiety that compromise will look like retreat.” Id.

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members who attend and vote at their meetings. It's important to separate individuals from the acts of an organization, similarly to separating the personal views of particular committee members from the official acts of the "school committee" as a body.

Tell me about the current WEA agreement and why negotiations are underway.

The current WEA agreement was effective as of Sept. 1, 2019. [State law dictates](#) an official three-year limit on the length of labor-union agreements, so in anticipation of an end date of Aug. 31, 2022, negotiations on a successor WEA agreement began in early 2022. Negotiations could only begin once the WEA requested the negotiations to begin. Negotiations have not produced a successor agreement.

Is the 2019 agreement still in effect?

Until the WEA and committee agree to a successor agreement, the terms of the 2019 agreement remain in effect without change. WEA members continue to receive the protections and entitled salary increases for stipends, leadership differentials, longevity and increases due to years of service and educational attainment included in that agreement.

What is the typical scope of WEA agreements?

The scope of WEA agreements has been fairly consistent over the years. They've addressed terms and conditions of employment, including salary, working conditions, benefits, and procedures related to evaluations, grievances, and reductions in force.

Why is the committee responsible for representing the district in collective bargaining?

Under Massachusetts law, school committees are the employer of record for employees in their districts covered by collective bargaining agreements. Because public employees, such as teachers, are paid with tax dollars, the amount of pay must be set by the consent of residents. The committee, as the town's popularly elected representative body, binds the town through the agreements jointly reached with its labor unions.

Where can I find a copy of the current WEA agreement?

The 71-page WEA agreement is downloadable [here](#) via the Weston Public Schools website. Additional information about collective bargaining in the Weston Public Schools is also available [here](#) on the district's website.

WEA-SCHOOL COMMITTEE NEGOTIATIONS

Given the current agreement was scheduled to end in August 2022, when did negotiations for a successor agreement begin?

The committee must wait for a union to request the start of negotiations. The WEA was the last unit among the district's six units to make that request. The committee first met with the WEA and a Massachusetts Teacher Association's (MTA) representative in February 2022. By December 2022, we had met 19 times without reaching a final agreement. These meetings typically occur at Case House or over Zoom when necessary.

Who attends the negotiation meetings?

In our negotiation meetings, the WEA is represented by a negotiator provided by the MTA and several WEA members. The committee is represented by three committee members, selected members of the superintendent's staff, and an attorney specializing in school-personnel issues. The entire committee participates in periodic strategy sessions whereby all committee members can be updated and have an opportunity to be included in the process. Thus far, seven elected or formerly elected committee members have been involved in these negotiations.

What happens during negotiations?

At the beginning of negotiations, the committee and WEA have historically agreed on ground rules to guide the negotiations. Each party then presents a list of proposals that include changes they wish to make in the existing contract, including adjustments to salary and benefits. These items are discussed through a series of meetings. When the parties reach agreement, that agreement is subject to ratification by WEA membership and approval by the full committee. After ratification and approval, the agreement becomes effective. The law does not require either side to agree to particular proposals or make concessions, but both sides must participate with an open mind, listen to the proposals and give thoughtful consideration to each.

Can members of the public attend the negotiation meetings?

While the public is welcome to attend all open committee meetings, the negotiation meetings are conducted during confidential "executive sessions" under [Massachusetts Open Meeting Law](#), so they are not open for the public to attend. The public may attend the "opening" portion of each meeting whereby the committee votes to enter into executive session but must then leave. The law strongly favors keeping these sessions private. It is an unfair labor practice to force another side to bargain in public to avoid what the Massachusetts Court of Appeals has described as the "rigidity and posturing" that naturally occurs when negotiations occur in the public view. See Board of Selectmen of Marion v. Labor Relations Commission, 7 Mass.App.Ct. 360, 362 (1979).

What have been the committee's guiding principles during negotiations?

The committee has prioritized maximizing our student access, choice and success within realistic budgetary restraints. The committee understands that to ensure the educational

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experience our students deserve requires providing a competitive compensation package and working conditions to all district employees.

- Due to our competitive pay, generous tuition reimbursement, and working conditions, Weston's teachers are some of the most seasoned and well-educated in the state with approximately 64% of our teachers receiving the highest eligible pay for their educational attainment.

The committee seeks to continue this history of attracting and retaining excellent employees without getting ahead of what the market requires. There is a delicate balance between paying a competitive compensation package and offering students a sustainable and robust educational experience.

Weston has historically prioritized smaller class sizes and greater choice for our students. As budgets are limited, there is an inverse relationship between employee compensation and the breadth of the district's offerings. The higher the compensation of an individual teacher, the fewer that can be employed to deliver those smaller class sizes and larger breadth of offerings.

How is that balance determined?

That balance is determined through the budget approval process at the annual town meeting. However, if the committee agrees to increases in compensation that make the total budget unattractive to residents at town meeting, the committee would need to potentially reduce programs, choice, and increase class sizes until a budget passes at town meeting.

How does the committee see the interests of WEA members?

WEA members are dedicated, experienced professionals who enrich the lives of the town's public-school students, preparing them for success in college and other postgraduate endeavors. The strong performance of our teachers is reflected in the consistently high level of achievement among our students.

- All labor contracts, including the WEA's, should offer competitive pay and work conditions to attract and retain high quality candidates. Our current agreement with the WEA, even without changes, delivers excellent working conditions and one of the most generous compensation packages in the state.
- Weston has a long history of valuing our teachers, and nothing has changed. Niche recently ranked the #4 (out of 237) [best places to teach in Massachusetts](#) and #57 (out of 11,579) among the best places to teach in the United States.

How does Weston's compensation package compare to other districts of similar size?

Weston has a long history of offering market-leading compensation packages and is far out front of similarly sized K-12 districts². Of similarly sized districts, Weston employs only 10% more teachers than the overall average (and fewer than Newburyport, Sandwich, and Swampscott).

² As of December 1, 2022, DESE reports Weston's total enrollment as 2000 students. Similar sized K-12 districts 10% above and below Weston's size are listed as Southbridge (1,809), Fairhaven (1,826), Winthrop (1,941), Northbridge (1,947), Clinton (1,972), Swansea (1,988), Bellingham (2,007), Wareham (2,015), Swampscott (2,036), Seekonk (2,062), East Bridgewater (2,063), Mendon-Upton (2,105), Medway (2,108), Belchertown (2,125), Abington (2,138), Sandwich (2,142), Norwell (2,153), Newburyport (2,155), Rockland (2,163), Quabbin (2,172) and Lynnfield (2,195).

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But with an average salary of \$110,901, Weston spends \$26,000 more per teacher on average than this group.³ Weston does not typically compare itself to like-sized districts because smaller districts tend to have greater financial constraints than the well-performing larger ones. And yet, Weston shares many of the same attributes differentiating our schools from larger districts, such as having a predominantly residential tax base and participatory town meetings.

How does Weston's compensation package compare to other districts with similar educational results?

Comparing compensation across differing public school districts in Massachusetts can be a complicated and nuanced exercise. No two salary schedules or total compensation packages are directly comparable.

- While some districts may offer schedules with annual salaries and corresponding increases that exceed corresponding ones in Weston, the comparisons don't fully account for the employees' lifetime income or access to other available forms of compensation, including the value of contributions to healthcare insurance premiums.

So how can one make the comparison?

One useful measure of compensation on a district-wide level is average base salary. While not perfect, it offers the most accessible comparison of one aspect of compensation between and among districts.

How does Weston's average base salary for WEA members compare to other district's with similar educational results?

Every fall [DESE publishes salary data](#) for school districts across the state. This fall the data covered the 2020-2021 school year. Based on that data, Weston continues to have the highest average salary for a K-12 district at \$110,901. The state average is \$87,116.

- Two regional high schools have higher average base salaries, which is to be expected because high school teachers tend to be eligible for higher pay due to advanced degrees and additional credits. Once the costs of healthcare are included, Weston's compensation package competes with or exceeds all other public school districts, regional or municipal, in the state according to public DESE reports.

How does the committee view the interests of Weston's taxpayers?

Weston's taxpayers – those who fund the vast majority of our teachers and other WEA members' compensation – [pay the highest property tax bills in Massachusetts](#). Unlike neighboring towns, Weston is overly reliant on residential property taxes, as opposed to commercial property taxes, to fund itself. Continued property tax increases are making it increasingly less affordable to continue living in Weston after retirement.

- As a comparison, Weston taxpayers pay on average more than \$22,766, which is already \$6,000 more per year on average than many of our wealthy town peers.

³ The average salary of the districts referenced in footnote 2 is \$83,427 as of the 2020-2021 school year. Weston's was \$110,901. The most competitive of these small districts is Lynnfield at \$96,529.

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Sherborn, Lexington, Concord and Wayland cluster their single-family tax bill averages around \$16,500⁴.

And the interests of other labor unions in the district?

In addition to the WEA, there are five other labor unions in the district representing building and grounds workers, cafeteria workers, aides and paraprofessionals, school bus drivers and administrative assistants. Each of those unions ratified successor agreements in the spring of 2022 with 5.75% across-the-board pay increases. The committee strives for equity among all the district's unions.

MEDIATION

Why is the committee seeking mediation?

Through good-faith negotiation, the committee and WEA aligned on several contractual issues, but on many others, our progress stalled. As a result, on December 14, 2022, the committee notified the WEA of our belief that [negotiations were at an "impasse"](#) and that the most efficient path forward was for us to petition the Massachusetts Department of Labor Relations (DLR) for mediation.

And why is the committee seeking mediation *now*?

A request for mediation can be made by the committee and WEA together or separately. Due to the unusually strong demand for mediators right now, the committee believes waiting until after the holidays to file for mediation would only harm our teachers by potentially delaying the start of mediation and our chances at reaching an agreement by the end of the fiscal year in June of 2023, when we would need to return unspent funds back to the town.

What happens in mediation?

In mediation, a state-appointed third party joins the negotiation process with the aim to overcome key sticking points between the union and committee. Neither the Committee nor the WEA will lose any rights to self-determination through mediation. Unlike some other types of dispute resolution, a mediator cannot force either side to make a concession or change their position, but they may, and often do, bring decades of experience and perspective that has great potential to provide a breakthrough in these talks. Agreements reached in mediation are subject to ratification by the WEA and approval by the full committee.

What are some of the benefits of mediation?

The state-appointed mediator will assist both sides in reconsidering established beliefs, considering additional information, and understanding a new perspective. The parties are allowed to be slightly more creative during mediation because of certain relaxed rules around "bargaining history" and other technical aspects of negotiating. Confidentiality is also required during mediation.

⁴ The following are the aforementioned single-family tax bills: Sherborn, \$16,760; Lexington, \$16,613; Concord, \$16,611; and Wayland, \$15,386.

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Have school committees in other districts sought mediation in their negotiations with unions?

Over the years, committee-union negotiations in other school districts have benefited from mediation. On December 7, 2022, the Wellesley School Committee [announced its intent](#) to file for mediation related to its negotiations with Wellesley's teachers union. Media reports suggest that many other districts are having difficulty coming to an agreement this year, thus likely putting more demand on the state-appointed mediator's time and availability.

Has the committee relied on mediation in the past?

Mediation has enabled committee-union negotiations in Weston to overcome impasses in the past.

What happens if mediation doesn't result in a successor agreement?

If mediation is unsuccessful, the next step in resolving an impasse is fact-finding. The committee and WEA would select a fact-finder from a list provided by the DLR. The fact-finder would hold hearings where the committee and WEA present their proposals, positions, and information, including relevant data about resources in our district and comparable districts. The fact-finder would then issue a confidential report with findings of fact. This report may or may not include recommendations. The committee and WEA would receive copies of the report, and we would then be required to return to negotiations informed by the report.

- If we don't reach agreement within 10 days after issuance of the report, the DLR would release the report to the public.
- If we are still unable to reach agreement, the committee would inform the DLR, which would either send us back to mediation or find that the committee has satisfied our bargaining obligations, which permits the committee to implement its last best on-the-record offer.
- The committee is optimistic that mediation will result in a successful settlement.

Can Weston's teachers go on strike?

Public education is an essential public service and as essential workers, Massachusetts [law prohibits strikes and work slowdowns](#), so they are historically rare. Union officials have an affirmative duty to oppose a strike and to ensure compliance with court orders. Labor Relations Commission v. Boston Teachers Union, Local 66, 374 Mass. 79 (1977).

- In the few instances where public employees have withheld their labor, Superior Court judges have ordered the employees back to work and issued substantial fines against union leaders and organizations (such as statewide organizations like the MTA) for encouraging the illegal behavior.
- It is common for the union to pay all costs and damages caused to a district out of union dues associated with a work stoppage. Employers can also be disciplined or replaced for failing to work. Utility Workers, Local 466 v. Labor Relations Comm'n, 389 Mass. 500 (1983). A district cannot pay striking employees. If a striking employee accepts money from a union for striking, they could face violations of state ethics rules. When the rare temporary strike has occurred in the past, student learning has shifted either to the

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end-of-the-year or during planned vacation weeks. The state offers additional information [here](#).

HOW TO ENGAGE

What if I have additional questions about the negotiations?

If you have additional questions about the negotiations, you can send them to the committee via email at schoolcommittee@weston.org, or you can reach out to [individual committee members](#). Please remember that committee members are bound by certain confidentiality rules due to these negotiations occurring during executive session and will not be able to answer many questions. The committee plans to update these FAQs with responses to future questions submitted by residents.