

Part of packet for meeting on July 8, 2020

Information on the Process of Electing a Municipal Representative

Municipal Employers are to be represented on the school committee and participate and vote as a member of the committee for purposes of collective bargaining.

The statute provides some direction as follows:

“ In the case of a regional school district, said chief executive officers or chairmen of boards of selectmen, as the case may be, of the member cities and towns shall, in accordance with regulations to be promulgated by the boards of education, elect one of their number to represent them pursuant to the requirements of this section.”

The process for this selection is found in 603 CMR 14.04 and involves a joint meeting of representatives from all the member towns (regulations attached).

The process is as follows:

1. At least 21 days before the commencement or resumption of negotiations, the Superintendent must send a notice to all chief executive officers of the member towns (either the secretary, town manager, or in the absence of that to the chair of the board of selectmen), indicating the time, place and date of a meeting to be held by the regional school district at which the chief executive officers or chair of the boards of selectmen shall elect one of their number to represent them.
2. The meeting must be held no later than 7 days before the commencement of negotiations.
3. The meeting is subject to open meeting law; meaning 48 hour posting of agenda.
4. All voting will be done by majority
5. The chief executive officer of board selectmen chair may designate a representative to attend this meeting in his/her place.

If the meeting does not result in the designation of a representative, there is a provision whereby the Commissioner of Education will randomly select the representative from among the chief executive officers or select board chairs. Failure of the meeting to select a representative shall not delay the bargaining process.

The term is equal to that of the school committee members term, or 4 years.

Code of Massachusetts Regulations
Title 603: Department of Elementary and Secondary Education
Chapter 41.00: Regional School Districts (Refs & Annos)

603 CMR 41.04

41.04: Municipal Representatives in Regional School District Collective Bargaining

Currentness

(1) Selection of Municipal Representative. No less than 21 days before collective bargaining negotiations commence or resume in a regional school district, the superintendent of the district shall send a notice to all chief executive officers of the member cities and towns of the district, or, if there is no town manager or town administrator in a member town, to the chairman of the board of selectmen in that town, indicating the time, place and date of a meeting to be held by the regional school district at which the chief executive officers or chairmen of boards of selectmen shall elect one of their number to represent them pursuant to [M.G.L. c. 150E, § 1](#).

(a) The meeting shall be held no later than seven days before commencement of collective bargaining negotiations in the regional school district, and shall comply with the open meeting law. In regional school districts where regional agreements provide for weighted voting in accordance with law, such weighted voting shall be employed.

(b) A chief executive officer or chairman of a board of selectmen may designate a representative to attend the meeting and to vote in his or her place.

(c) If the meeting of chief executive officers or chairmen of boards of selectmen does not result in the designation of a representative, the superintendent shall notify the commissioner of education, who shall randomly select one representative from among the chief executive officers or chairmen of boards of selectmen. Failure of the meeting of chief executive officers or chairmen of boards of selectmen to elect a representative shall not delay or otherwise impede the collective bargaining process.

(d) The chief executive officer or chairman of the board of selectmen chosen to represent member municipalities may serve either personally or through a designee, and must serve

through a designee if such officer or selectman is barred from service under the provisions of M.G.L. c. 268A. In such cases, the city council or board of selectmen shall designate an alternate.

(2) Role of Municipal Representative. The municipal representative shall serve as a member of the school committee on all matters related to collective bargaining by the regional school district. The municipal representative may serve on the school district bargaining team, if any, if selected by the school committee to be a member of such a sub-committee.

(3) Vote of Municipal Representative. The municipal representative shall have one vote in all school committee deliberations on collective bargaining matters. In regional school districts which employ weighted voting, the municipal representative's vote shall be added to the vote total of the elected members and shall not cause a reapportioning of voting weight among the elected school committee members.

(4) Term of Municipal Representative. The municipal representative's term as a participant in the regional school district's collective bargaining shall be the same length as the term of office of an elected member of the school committee unless a shorter term is agreed to by the chief executive officers of the member cities and towns at the time of the municipal representative's selection.

The Massachusetts Administrative Code titles are current through Register No. 1405, dated November 29, 2019

Mass. Regs. Code tit. 603, § 41.04, 603 MA ADC 41.04