

CONTRACT LANGUAGE | RECOGNITION CLAUSE

A recognition clause generally appears as the first article in the Collective Bargaining Agreement. At times it may follow a preamble. The recognition clause is critical because it defines who the parties are to the Agreement being developed and signed. This article also should grant exclusive rights to the union in representing the bargaining unit members defined.

Typical disputes arise when a new classification of employment is generated, with part time employment, and temporary or substitute employees. Disputes such as this can be bargained or settled by appealing to the Public Employees Labor Relations Board (PELRB www.nh.gov/pelrb) with a Unit Clarification or Modification Petition. If you bargain a change to your recognition clause you must file a Joint Modification Petition with the PELRB for enforcement. Language in your Agreement will not compel the PELRB to enforce what you have bargained without PELRB concurrence.

Any questions or disputes regarding who is in or outside the defined bargaining unit (covered by the recognition clause) are answered through litigation with the PELRB.

RECOGNITION CLAUSE CHECKLIST:

1. Does your CBA recognition clause match the certification with the state?
 - a. If yes, well done! Just make sure if you make any recognition clause changes through bargaining, that you file the joint modification petition with the PELRB. Monitor any changes the District makes in positions and titles and make sure your recognition and certification stay relevant.
 - b. If no, go to #2
2. Identify why the language does not match, then ask yourself the following:
 - a. What needs to be changed, the certification or recognition clause?
 - If recognition: Can this wait until the next round of negotiations or do you need a side bar agreement now?
Who will be impacted by the change in language?
Will the District agree with the change?
 - If certification: Will the District agree with the change?
Who will be impacted by the change in language?
3. Make change through the proper channels – either the bargaining process or the PELRB.
If you need help, please contact your UniServ Director!
4. Other considerations:
 - Are there people that could get added to your recognition clause because they are neither included or excluded from the recognition clause?
 - Could you organize more job classifications into your unit through the recognition or certification process?
 - Are there job classifications that should be moved from one bargaining unit to another?

RECOGNITION AND CERTIFICATION EXAMPLES

Mascoma Valley Support Staff:

Certification includes: Food service employees, custodians, aides, secretaries, bus drivers

Certification excludes: None listed

Recognition includes: Custodians, library aides, para-educators, and secretaries

Recognition excludes: None listed

Mascoma Valley EA:

Certification includes: All professional employees including teachers, librarian, nurses, guidance personnel, reading specialist

Certification excludes: Superintendent, Assistant Superintendent, Principals, Assistant Principals, speech and language therapist, and aides

Recognition includes: All teachers, guidance personnel, school psychologists, speech therapists, librarians, and nurses.

Recognition excludes: Superintendent, Assistant Superintendent, Principals, Assistant Principals, Business Administrator, tutors, temporary help, subs, secretarial or clerical personnel, paraprofessional personnel, food service personnel, custodial maintenance

Lyme Education Association:

Certification includes: Full and part time professional employees who are required to hold certification from the NH DoE as teachers, guidance counselors, math specialists, reading specialists, or librarians.

Certification excludes: Superintendent, Special Education Director, Principals, Assistant Principals, nurses, and instructional assistants.

Recognition includes: Anyone who has to hold certification with the NH DoE, teachers, guidance counselors, math specialists, reading specialists, librarians.

Recognition excludes: Superintendent, Special Education Director, Principals, Assistant Principals, nurses, and instructional assistants.