

Conducting Collaborative Conferencing

1. Management personnel and professional employee representatives shall participate in collaborative conferencing on the following terms and conditions of employment:

- a) Salaries or wages;
- b) Grievance procedures;
- c) Insurance;
- d) Fringe benefits, but not to include pensions or retirement programs of the Tennessee consolidated retirement system or locally authorized early retirement incentives;
- e) Working conditions; except those working conditions which are prescribed by federal law, state law, private act, municipal charter or rules and regulations of the state board of education, the department of education or any other department or agency of state or local government;
- f) Leave; and
- g) Payroll deductions (except those dollars going to political activity).

2. No other terms or conditions of employment shall be the subject of collaborative conferencing and the following items are explicitly prohibited:

- a) Differentiated pay plans or incentive compensation programs,
- b) Expenditures of federal, state, local or private grants,
- c) Evaluations of professional employees,
- d) Staffing decisions and state board of education or local board of education policies relating to innovative educational programs, innovative high school programs, virtual education programs, and other programs for innovative schools or school districts that may be enacted,
- e) Personnel decisions, such as transfers, assignments and filling vacancies, and none of these decisions may be based on seniority or length of service, and
- f) Payroll deductions for political activities.

3. Through collaborative conferencing, the management personnel and the professional employee representatives may enter into a memorandum of understanding (MOU) on the terms and conditions of employment. The MOU shall not exceed three years in duration.

4. An MOU shall be binding on the parties from the date of its approval by the board of education or at a later effective date that is explicitly stated in the memorandum of understanding. However, any items included in the MOU that require funding shall not be considered effective until the local funding body has approved such funding in the budget. If the amount of funds appropriated is less than the amount required, then the parties may continue to confer to reach agreement within the amount of funds appropriated.

5. Nothing in this act shall be construed to require collaborative conferencing, agreement on any terms and conditions of employment, or, if agreement has not been reached between the board of education and the representatives of the professional employees, a memorandum of understanding. Absent an agreement and memorandum of understanding on terms and conditions specified for collaborative conferencing in this act, the board of education shall have the authority to address such terms and conditions through board policy.