



MASB
MICHIGAN ASSOCIATION
OF SCHOOL BOARDS

Labor Relations Conference


Bargaining as a Team

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Agenda

- Putting your team together
- Establishing rules and guidelines for team members
- Clarifying roles and responsibilities
- Setting goals and parameters for negotiations
- Coaching the team during difficult negotiations




Getting Started

- Set up first meeting with union leadership to discuss meeting times and ground rules
 - Ground rules are a permissive subject
 - Don't agree to a media blackout
- Decide what type of bargaining you would like to use - Traditional, expedited, or interest based
 - Union must agree otherwise it's traditional
- Decide who is on management team




Traditional Bargaining

- More formal
- One spokesperson for each side
- Positional and can be adversarial
- Meet across table, caucus with own team often after proposals are made
- Assign a notetaker – script the sessions
- Notes can be used later to determine intent



Expedited Bargaining

- This is more informal than traditional
- Parties may agree to limit the issues discussed
- Proposals can still be exchanged
- Parties may agree to set time limits “if deal is not reached by May 30, traditional bargaining will commence”
- Usually smaller teams such as two on each side




Interest Based Bargaining

- More collaborative than traditional or expedited bargaining
- Training for both sides is required
- Facilitators from management and union help facilitate the bargaining sessions
- Try to walk in the other side’s shoes, see their interests and issues
- Each team member is expected to contribute in some fashion in the sessions




Interest Based Bargaining

- Story – everyone contributes to the story
- Interests
- Options – brainstorming
- Straw Design – combinations of options
- Evaluation
- Consensus – everyone has to agree
- Based on the concept of building relationships – soft on people, hard on the problem



Make Up of Team

- Type of bargaining will help determine make up of team
- Board member involvement?
- Business Manager
- Principal or other administrator
- Chief Negotiator
- Superintendent
- Roles of team members need to be discussed




Different Roles

- Spokesperson – chief negotiator
- Notetaker
- Data collector – probably the business manager
- Caucus – everyone contributes
- No one speaks for the team other than the spokesperson – no one speaks at the table unless asked to by the spokesperson




Board Member on Team

- Board should approve
- Generally would not be the spokesperson for the team
- Superintendent must be involved if a board member is on the team
- Can be a sounding board for superintendent and chief negotiator
- Superintendent or chief negotiator reports back to full Board




Conflict of Interest

- School Code section 1203, if Board member has a “family member” in the bargaining unit, he/she must abstain from voting on the contract
- Can be involved in closed session discussions setting parameters for bargaining
- Should not be at the bargaining table representing the Board
- If three or fewer members cannot vote, four members must approve the contract
- If four or more members cannot vote, majority of remaining members must approve




Involving the Board

- Try to keep the Board above the action, but completely updated
- If it is contentious bargaining, make sure the Board is on board
- Go over parameters and confidentiality early in the process, but don’t necessarily go into executive session every Board meeting
- Remind Board members of legal requirements




Preparation and Parameters

- Data Needed
 - Trends of revenues and expenditures
 - Trend of fund balance
 - Trend of enrollment
 - Projection of state aid
- More Data Needed
 - Total group cost ; one percent cost
 - Cost of steps; cost of lanes
 - Cost of one percent at top only
 - Other groups, other trends
 - Previous contract concessions or improvements




Year	Total Percent Increase Applied to Entire Salary Schedule...	...plus Salary Steps Paid?	...plus Longevity Paid?
1996-97	2.5%	Yes	Yes
1997-98	2.7%	Yes	Yes
1998-99	2.7%	Yes	Yes
1999-2000	2.7%	Yes	Yes
2000-01	2.9%	Yes	Yes
2001-02	3.0%	Yes	Yes
2002-03	2.5%	Yes	Yes
2003-04	2.9%	Yes	Yes
2004-05	2.0%	Yes	Yes
2005-06	1.0%	Yes	Yes
2006-07	1.5%	Yes	Yes
2007-08	1.5%	Yes	Yes
2008-09	2.0%	Yes	Yes
2009-10	2.0%	Yes	Yes

IMPORTANT REMINDER




Parameters

- Once data has been gathered, meet with Board to discuss
- Review trends with other groups and around area
- Review trends with budget and fund balance
- Review previous contracts and concessions
- Chief negotiator listens to the Board but also provides direction and leadership to Board
- All discussions are confidential



Parameters

- Determine overall strategy
- Is it a concessionary contract?
- Can enough concessions be achieved to keep district financially sound?
- Will mediation or fact finding be needed?
- Will impasse be a possibility?
- Make sure Board understands difficulty of contentious bargaining and is resolved



Difficult Bargaining

- Board goals go further than union will support
 - Increasing fund balance from 5% to 10% over time
 - Cutting salary schedule when fund balance is relatively high (over 10%)
 - Board wanting concessions when trends for budget have been positive
 - Union wanting to make increases when budget will not support them
- MEA Crisis Plan will be involved
- Board needs to be resolved



MEA Tactics

From the MEA's Crisis Plan

- *"The single most powerful tool for winning a negotiation is the ability to get up and walk away from the table without a deal."*
- *"The public responds most positively when we talk about children, quality in the classroom and the future. There may be a time to talk about money and benefits but lay the groundwork first."*



MEA Tactics

From the MEA's Crisis Plan *continued*

- "One example of an effective job action is work-to-rule...members of a local... demonstrate dissatisfaction with employer by refusing to perform work beyond what is required by contract or past practice."
- "The local is limited only by its collective imagination when it comes to specifics."

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Tactics

From the MEA's Crisis Plan *continued*

Stage 1

- Involvement in School Board elections
- Select a crisis theme
- Select a color
- Wear same color
- Encourage community members to call Board Members
- Attend Board meetings

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Tactics

From the MEA's Crisis Plan *continued*

Stage 2

- Picket Board meetings
- Enlist parents to speak at Board meetings
- Attend community events
- Distribute information flyers
- File grievances and FOIA requests
- File Unfair Labor Practices - ULPs - and follow-up with press releases

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Tactics

From the MEA's Crisis Plan *continued*
Stage 3




- Work to rule
- Community coffee gatherings
- Rallies
- Decline committee or after hours work
- All enter and leave buildings together

"Be ready to seize the moment; they always make mistakes!!"

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Tactics

From the MEA's Crisis Plan *continued*
Consider the following:



- *Power is not what you have... but what the other side thinks you have. Carefully planned events are a show of power*
- *The threat of action is usually more powerful than the action itself*
- *Pick a target – personalize – and polarize the opposition*


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Responding to Tactics



- Not all employee groups use tactics, but be prepared in case they do
- Think and talk through ways to counter tactics
- Do not allow Board or negotiating team to be split by tactics – present a unified front
- Establish a communications strategy
- Determine who will be the spokesperson


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Responding to Tactics

- Calm, businesslike approach – don't overreact
- Openly identify the action as a tactic
- Use talking points
- Don't bash teachers or the Union
- Consider "setting the stage" in advance
 - Review budget information openly
 - Discuss situation with key community members and alert them to the possibility of disharmony


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Responding to Tactics


- Consider using website to post positions
- Consider responding after public comment either by Board president or during Superintendent's report
- Other Board members should not comment
- Remember, they're just tactics
- Stay the course and stay resolved
- Do not lose focus on the end result
- Do not take it personal

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Work to Rule

- Union encourages members to only do what is required in contract . . . Don't come in early, don't stay late, don't do extras, etc.
- Union employees have a right to engage in concerted activities, but, if those concerted activities result in a refusal to perform normal services, such activity may not be protected under PERA




Work to Rule

- If voluntary activities have normally been done (ie. chaperoning dances), not performing this duty during a contract dispute could be a violation
- Concerted activity to refuse may not be protected under PERA



How to Deal With Media

- What to say
 - Could give table positions
 - Get the district message out; frame the issue
- Don't say
 - Cannot give sidebar or off the record proposals or positions
 - Don't disparage union position; if talking, talk about your position



Do's and Don'ts Communications

- Do, when questioned, accurately inform employee of the facts, status and table position of the employer
- Do, when questioned, clarify certain contract proposals or answer employee questions regarding interpretation of proposals
- Don't inquire what went on at a union meeting



Do's and Don'ts Communications

- Don't offer directly to employees something not offered at the table
- Don't call an employee into the office to discuss negotiations
- Don't state to any employee that we could reach a settlement if association representatives would get out of the way
- Don't misrepresent association bargaining position or imply association proposals were in some respect adverse to employee interests



Relationship with Union

- Sometimes bargaining is a power struggle
- Everything becomes an issue
- Don't take it personally
- Follow through, build trust
- Be good with the numbers, don't cry wolf
- Make sure people can read you
- Establish trust and credibility and both sides can establish power base



Patience

- Be patient
- Help other board members be patient
- Don't make decisions for a quick fix. The next round will be upon you soon and then what will you do?
- Eventually, it will be settled
- Hang in there and keep hanging in there




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Summary

The best approach to negotiations and Labor Relations:

- Know the law and the process
- Be transparent – open and honest communication
- Show respect and expect respect in return
- Support proposals with data
- Develop a culture of problem-solving with Union leadership
- Start early and always be prepared
- Consult professionals when needed



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Questions?

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