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

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### 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.”

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

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
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!!”

Tactics

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

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
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

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

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
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

Questions?

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