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# Collective Bargaining 101



# The Negotiating Process



Getting Ready



At the Bargaining Table



Implementing the Agreement

# Getting Ready

- History
- Know the players
- Build your team
- Know your objectives
- Do your research
- Lay the groundwork



# History

- Review the last few contract negotiations to see what was changed and what the major issues were.
- What provisions have been the subject of grievances?
- What is the department head hearing from the membership about issues that might be raised at the bargaining table?
- Is there a history of going to arbitration? If so, what was the outcome?
- Do union members and elected officials “look forward” to negotiations, or is there a negative attitude regarding the bargaining table?

# Know the Players

It is helpful to establish a positive relationship with the Union's Chair/Steward, or whichever member is going to be sitting on the other side of the table.

Creating a good relationship with the Union Business Agent can go a long way too. Some Business Agents are more involved (and helpful) than others.

You will be working alongside those on the other side of the table (and everyone they represent) for a long time. Maintain respectful relationships before, during, and after negotiations.

# Build Your Team

- Involve Labor Attorney – can act as the principal negotiator; he/she is the subject matter expert on labor law and will be essential if the contract ends up in arbitration.
- Finance Director — evaluates costs of the proposals and identifies what you can afford.
- Department Heads – Give insight on operations of the department and can evaluate non-economic proposals.
- Elected Officials – Will ultimately approve of the final agreement. They will be kept in the loop in closed sessions where negotiation strategy can be discussed.

# Know Your Objectives

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Meet with Labor Attorney, Department Head(s), and other administrators to identify issues with the current contract and language improvements that are desirable.



Bargaining opportunities only come around every few years. Don't waste the moment. Be as thorough as possible when reviewing the nuances of the contract.



If there are several contracts expiring at the same time, this is your best opportunity to prevent compensation "drift." Having significant differences between benefit levels (retirement plans, leave accruals, etc.) can be difficult to administer – especially in smaller communities.



# Do Your Research

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- Identify both internal and external comparables. Which communities have been cited in past negotiations/arbitrations?
- Don't wait until bargaining starts to do wage and benefit studies or to contract for actuarial analyses for pension changes.
- Check with benefit providers about cost trends.
- Assemble information by bargaining unit member about key topics such PTO utilization.
- Review work rules. Are changes a subject of bargaining? When were they last updated?
- Draft language to address new topics to address challenges such as attracting and retaining employees or that encourage pursuit of licenses.



# Lay the Groundwork

Conduct a closed session strategy discussion with the Council to discuss key issues, present the main objectives, and get a sense of what members are likely to approve.

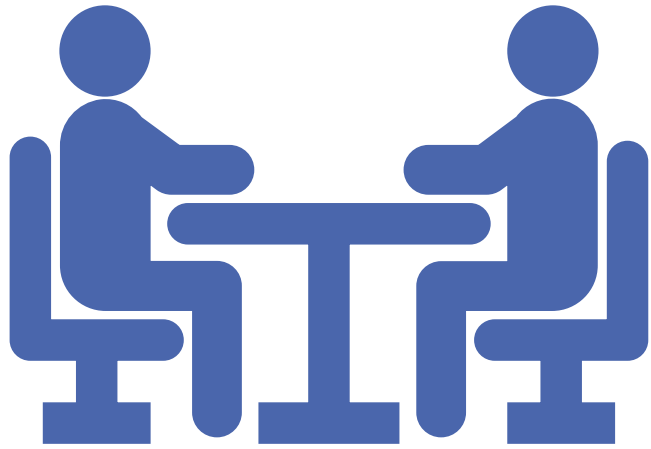
- This is essentially a one-way briefing to help build the knowledge base of the Council and avoid surprises when you bring back a tentative agreement.

Meet with employee groups to brief them on the community's fiscal condition and how it might affect bargaining.

- Invite the union business agent to attend.

# At the Bargaining Table





# Beginning Negotiations

- First impressions go a long way. Always be professional and demonstrate strong ethics, especially honesty. Be transparent.
- Sometimes the conversations may get heated. Remaining calm and being consistent with your messaging is critical. But don't be afraid to push back if it is warranted.
- It can be difficult to get all the parties together. Be sure to schedule three to four meetings for continuing negotiations to help manage the process. Having deadlines for yourself can help you from feeling overwhelmed.

# Establish Ground Rules

- Who will be the spokespersons for the parties?
- What will be the cutoff for the submission of new proposals? 2nd session? 3rd session?
- Must all proposals, including revisions, be in writing?
- Will individual proposals be TAed throughout the course of negotiations?
- Who will draft the final agreement? (Don't let the union do this.)
- It is best to have the ground rules in writing. Bring a draft to the first session.

# Exchanging Proposals

- Negotiations will center on proposals to amend language in the contract.
- Two types:
  - Economic: wages and benefits, things that affect your community financially.
  - Non-Economic: everything else (shift scheduling, seniority, licensing requirements)
- The Union may be ready to present both economic and non-economic proposals at the first meeting. It is good to let them go first.
- If you want to present your own proposals at the first meeting, it is good strategy to only provide non-economic ones.

# Council Involvement



As negotiations go on, you may periodically update your Council. Summarize the proposals that have been presented and received.



Be ready to discuss the level of wage increases they are comfortable *authorizing* you to offer.



Every Council and community are different. Treat them with the same level of professionalism you show the Union.



The Union and your team will “know” a lot more and will get into the weeds. When discussing strategy and proposals with your Council, try to keep things at a higher level.

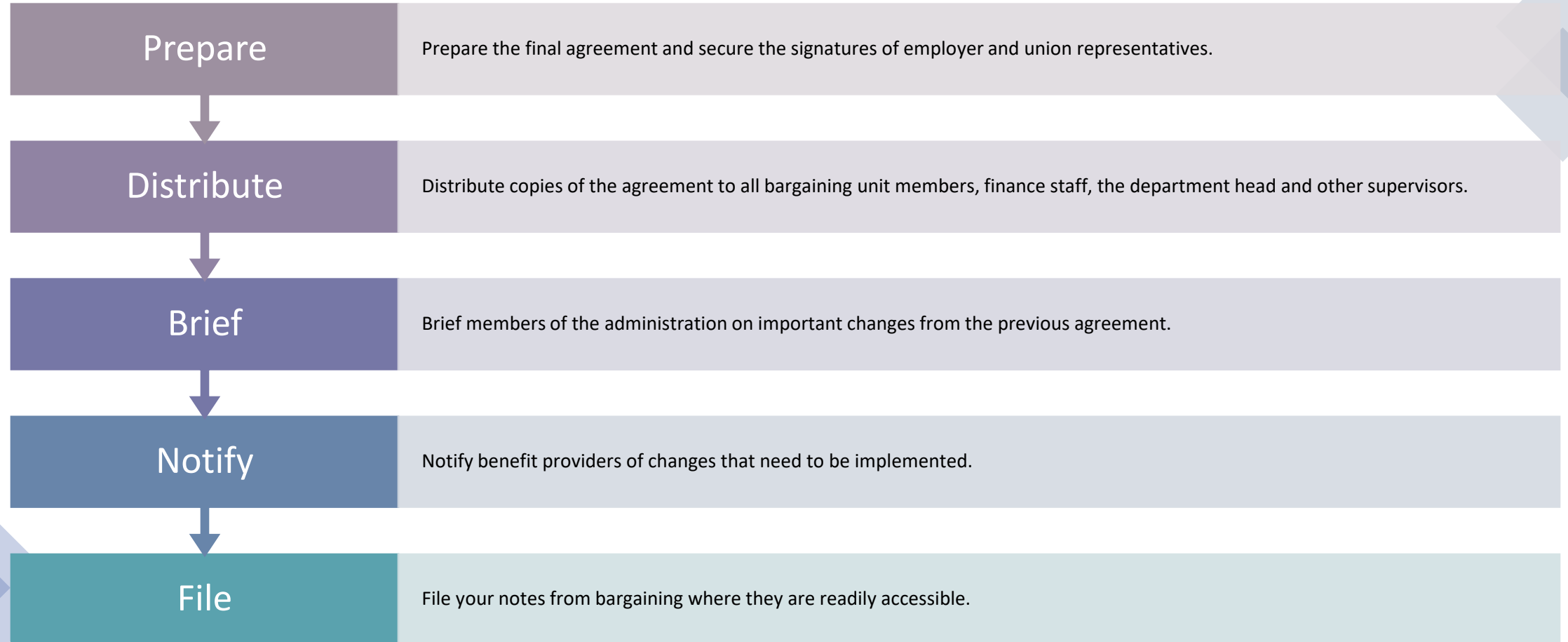


Always be ready to answer the question: *how much will this cost us?*

After  
Negotiating



# Housekeeping Matters





# Administering the CBA

- Questions will arise when applying the collective bargaining agreement to specific circumstances.
  - Re-read the applicable provisions of the agreement.
    - **EVERY. SINGLE. TIME.**
- Be prepared to conduct special conferences with the union if the agreement provides for it.
- Negotiate letters of understanding (LOUs) if the circumstances warrant.
  - Be sure to include language stating that the LOU does not set a precedent.

# Handling Grievances

- Grievances happen. On occasion they arise because management or supervision has done something stupid. Do your research.
- Read the contract provision giving rise to the grievance. Is there a lack of clarity?
- Read the contract provisions that apply to grievances.
  - Has the grievance been filed in a timely manner?
  - Has the grievance been filed in accordance with the steps in the grievance procedure?
- Try to settle grievances if you can but don't be afraid to go to arbitration.

# Handling Discipline

- Bad discipline practices lead to strained relationships with employees.
  - Discipline should be administered even-handedly and only for clear violations of established work rules.
  - Use counseling instead of discipline for minor first violations and document it.
- Do your research into the incident. Take your time to do it right.
  - Offer the employee the opportunity to have a steward present during questioning.
  - If the circumstances warrant, put the employee on paid administrative leave.
  - Do not make up your mind about the incident until after you have researched it.
- Become familiar with Loudermill and Garrity.
- When in doubt, or even if you're not, contact your labor attorney.

# Prepare for the Next Negotiations

- Keep notes.
- Highlight sections of the CBA that would benefit from further clarity.
- Listen to what employees and supervisors are telling you.
- Pay attention to what your colleagues are experiencing in their communities.
  - What circumstances would you like to avoid?
  - What are they doing better than you are?