



Negotiations

February 5, 2024

Collective Bargaining Styles

Position Based Bargaining

- ▶ Approach where bargaining teams exchange proposals based on 'positions'.
- ▶ Adversarial by default. Each party naturally represents different positions.
- ▶ Arguments are made to educate or convince the other party to accept their position
- ▶ Sit on the opposite sides of the table

Interest Based Bargaining

- ▶ Proposals are stated in terms of interest.
- ▶ Can, but not guaranteed, to be perceived to be a problem solving approach
- ▶ Parties discuss concepts and ideas and once consensus is reached, those concepts are reduced to writing
- ▶ Sometimes sit mix to represent a collaborative energy

Responsibilities of the Collective Bargaining Team

Set goals to achieve the
most for the greatest
amount of members

Address workplace
concerns

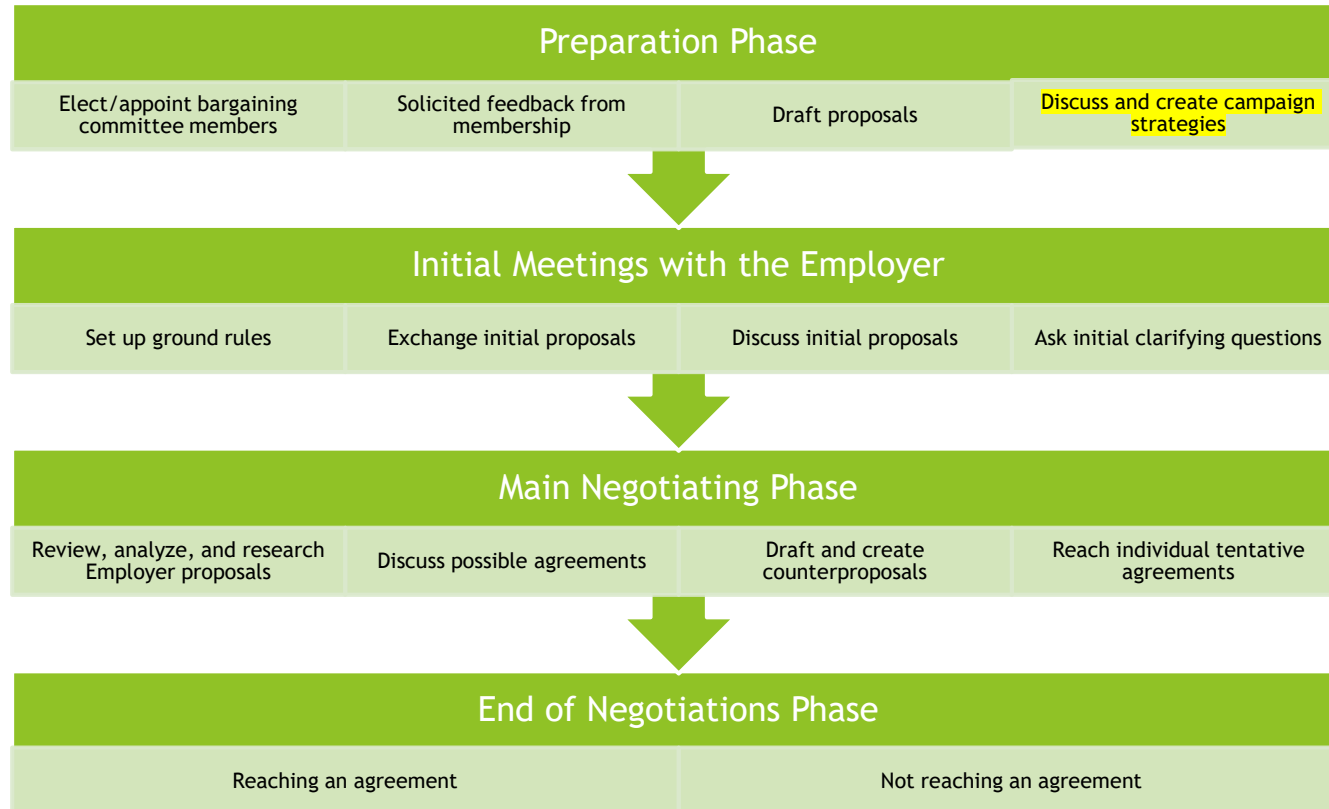
Present a unified front



Responsibilities of Individual Team Members

- ▶ Collective Bargaining is not a spectator sport
- ▶ Members should be active participants by vigorously taking notes, doing research, organizing rank-and-file members in their buildings, and carrying out other assignments as necessary
- ▶ All members are expected to comply with agreements reached at the negotiating table (ground rules, etc.)
- ▶ The Union wants to control the information shared (both with the public and with our membership). Understanding what information to share and when is part of the larger group strategy. Members should not act as rogue agents when it comes to information sharing.
- ▶ If and when the parties reach an agreement, at the ratification vote, members of the negotiating committee are required to “sell the agreement to its members”

Collective Bargaining Timelines



Survey: November 21, 2022 - April 3, 2023
450 responses

May 2023 - September 2023 evaluated responses,
other para contracts and identified areas of
concern in current CBA

October 2023 - January 2024 generated proposals
(AIM HIGH)

End of Negotiations Process

Agreement

Review Tentative Agreement

Conduct Union Ratification (10 day notification requirement)

Review changes to the actual new contract

Sign the new contract

Print and distribute to membership (Union Printer)

No Agreement

Parties have reached impasse

Engage in State statutory process including mediation

Engagement with Rank-and-File

Development and execution of a escalation plan

Work to rule, political engagement, etc.

Common Lingo

- ▶ **TA/Tentative Agreement** - When the parties have agreed to an individual proposal. This agreement is set aside and not usually revisited until there is a complete deal. This agreement is tentative and is subject to change and approval.
- ▶ **Hold/Reject/Accept** - Terms that are used when expressing the position of the party about the other party's proposals (i.e. The Union rejects the Employer's proposal for wage concessions; the Union will hold on the Employer's proposal regarding class size until further review; the Employer accepts the Union proposal for professional development).
- ▶ **Counterproposal** - Most common action taken during collective bargaining. It is when one party makes modifications to a proposal from the opposing team and presents it back to them. Sometimes the parties will not make a proposal because they desire to just make a counter proposal (i.e. the Employer didn't offer us a wage increase and when pressed during bargaining, they expressed they would make their proposal by means of a counter).
- ▶ **Caucus** - When one party requests to discuss privately away from the other party.

- ▶ **Chief Spokesperson** - The person who is identified by each party as the authorized representative to sign tentative agreements. Usually this person is the main contact for purposes of cancelling collective bargaining sessions.
- ▶ **Ground Rules** - An agreement made by the parties prior to exchanging proposals that outlines negotiation formalities.
- ▶ **Off the Record** - A proposal or conversation that is had that cannot be used or referenced later. Important technique used when discussing potential compromises.
- ▶ **Mandatory Subject of Bargaining** - A topic that is required by both parties to negotiate in good faith. Commonly referred to as 'wages, hours, and working conditions'.
- ▶ **Permissive Subject of Bargaining** - A topic that either party can propose, but there is no obligation to bargain. The parties cannot reach impasse over a permissive subject. Example: Academic calendar.
- ▶ **Illegal Subject of Bargaining** - A topic that has been identified by the appropriate governing law (NLRA, 150E, etc.) cannot be agreed to even if the parties are okay with it. Example: Striking rights (public sector).
- ▶ **Good Faith/Bad Faith Bargaining** - Standards set forth in applicable law to how the parties must conduct themselves during negotiations.

Table Etiquette

- Limit body language
- Strategic communication with the Employer
- Avoid answering questions that are directly asked to you
- Do not ask questions directly to the Employer
- When confused, take notes and/or request a caucus from the spokesperson
- Never contradict a committee member. If disagreement exists (which it will), we will discuss privately during a caucus and reach a consensus
- Majority will rule with all items in dispute
- Do not agree with the Employer (even if you personally do). We'll communicate our acceptance of proposals formally.

Pitfalls to Avoid

- Remember, the Employer will be using their own strategy
- **The Lawyer representing the school committee is not interested in the well being of either party.** His/her job is to provide guidance to the school committee. However, it would not be unheard of for an attorney to prolong negotiations.
- Remember there are larger politics at play between the school committee and the municipality. Especially with funding.
- **Employer proposals are often insulting, don't let it catch you off guard**

Developing a Contract Campaign

- ▶ A contract campaign is where the Union escalates its pressure through collective action as time progresses during bargaining
- ▶ Contract campaign tactics include:
 - ▶ Button/Tee Shirt Days
 - ▶ Petitions
 - ▶ Community Engagement
 - ▶ Rallies at school committee and the town
 - ▶ “Packing the Room”
 - ▶ Political Engagement



Contact Campaign Outline

Work Area	Specific Goal(s) (how do we measure success?)	IMPLEMENTATION (Calendar of Activities – Include actions, meetings, mobilizations, tasks, etc... to implement the goals)				Outcomes
		Sept	Oct	Nov	Dec	
Contract bargaining						
Internal membership development						
Parent and community relationships						
Tie local into statewide work						
Political and school committee elections or contacts						

Questions/Comments

- ▶ Outstanding questions?
- ▶ Are you ready and excited to start negotiations?
- ▶ Suggestions for actions?

