




A Collaborative Approach to Collective Bargaining




Presented by Matt Greer
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Introductions




Your name

Role (at the bargaining table and at
Pierce College and/or AFT)

A word or two that you hope to be able
to use to describe the upcoming
bargaining experience




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Objectives

By the end of the training
today, we will have discussed
collaborative approaches to
bargaining and confirmed the
next step in your bargaining
process.




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- 8:30 am – 12:30 pm; hourly breaks
- Small Group Breakout Discussions
- Raise hand virtually or physically if you want to share
- Pose questions/comments in chat (everyone can see)

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What is PERC ?



A small, independent state agency - 28 employees

Administers eight state collective bargaining statutes covering state and local public sector employment relationships

Always impartial, neutral


Helps to resolve/prevent **collective bargaining** conflicts

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Small Group Discussion

- Choose a spokesperson who will share out -
- One or two things we like most about working at Pierce College
- What do we most look forward to about bargaining
- What do we least look forward to (or maybe even fear a bit) about bargaining

- 10 minutes....GO! -



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Why Do We Bargain?

To promote the continued improvement of the relationship between public employers and their employees...



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What Is Collective Bargaining?

A statutorily defined process

Key elements:

- Mutual obligation
- Meet at reasonable times
- Confer and negotiate in **good faith**
- Execute written agreement re: **mandatory subjects of bargaining**: wages, hours and working conditions, grievance procedures
- Not compelled to agree or make concessions



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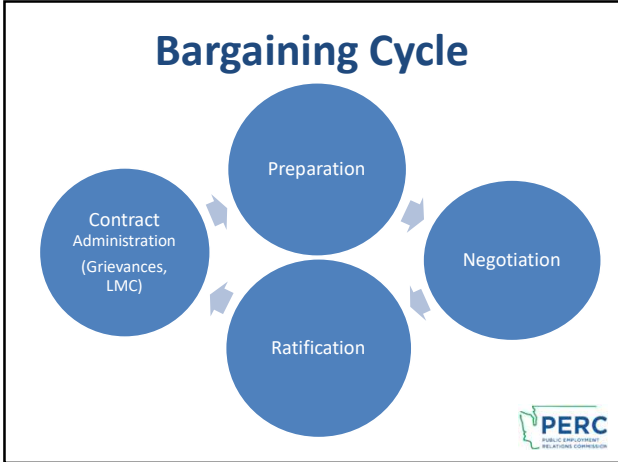


Good Faith?

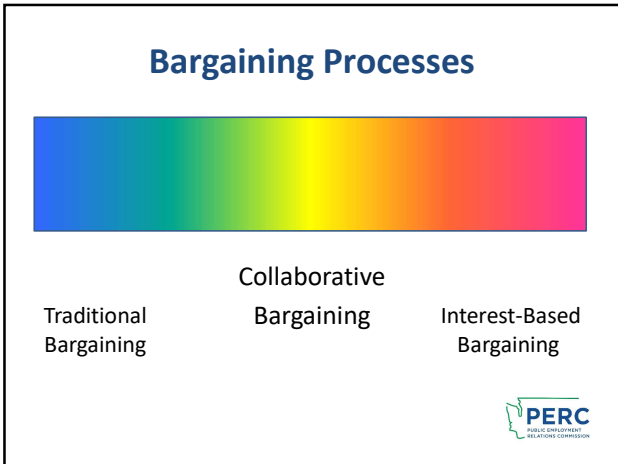
- ✓ Engage in full and frank discussions
- ✓ Explore possible alternatives that address interests
- ✓ Come to the table with honest and sincere desire to reach agreement
- ✓ Demonstrate willingness to consider alternatives, open mind
- ✓ Do not take inflexible positions



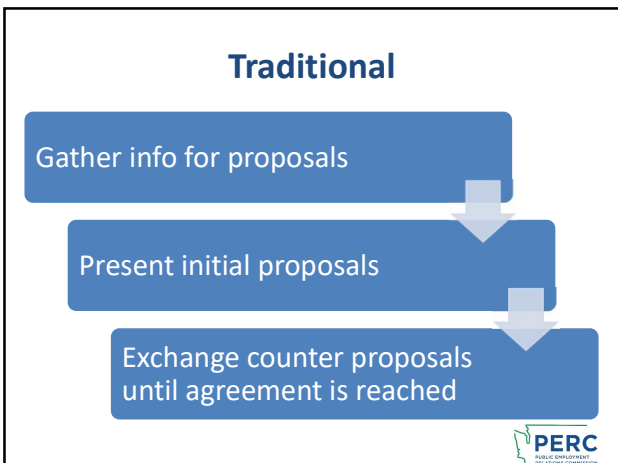
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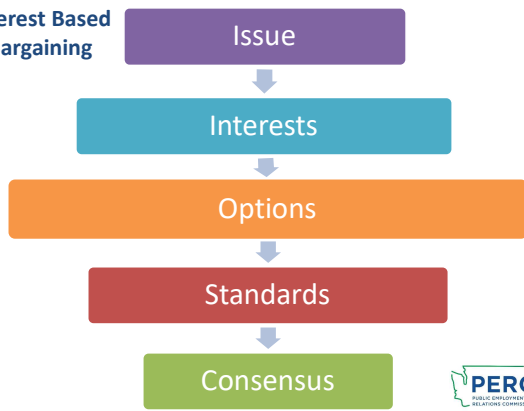
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Traditional



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Interest Based Bargaining



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IBB



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Bargaining Models

TRADITIONAL BARGAINING	INTEREST-BASED BARGAINING
Proposals exchanged	Discussion of issues and interests before jointly brainstorming solutions
More Caucuses	More joint sessions
Spokesperson	All participate



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Collaborative Bargaining

CHOOSE YOUR OWN ADVENTURE®



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A Collaborative Approach

Some Elements:

- Commitment
- Environment
- Understanding
- Share
- Interests
- Present and future
- Relationships
- Respect
- Communication



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Tools for A Collaborative Process

- Open communication before, during, and after the bargain
- Share as much information as you can
- Raise some topics for discussion without first developing proposals or positions
- Use proposals when it works best to do so
- Discuss more, debate less
- Ask questions to understand
- Focus on interests, including interests underlying any positions/proposals



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Let's Do Some Creative Destruction (TRIZ)

"How can we ensure that we have the least collaborative, least productive bargain possible?"

On you own, jot down or think of as many ideas as you can (2 mins)

Then, in small groups, share some of your ideas and see if you can think of others together, pick a few to share out with the larger group (10 mins)

Be creative and even outlandish. Have fun!

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TRIZ (Con't)

Back in large group, share out.

Do any of those ideas resonate, even in a roundabout way?

As we move forward in the training, let's talk about ways to avoid those unwanted results.

On your own (or share if you want), what are ways you will work to avoid those unwanted results.

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CHOOSE YOUR OWN ADVENTURE®

The conversation has gotten heated. Some folks have checked out, others seem to be making the same point repeatedly. Everyone is frustrated and most have lost the point of what is being discussed. Do you:

1. Call for a caucus and leave the room in a huff
2. Call for a 15 minute break
3. Suggest that the issue be tabled and brought back up at the next meeting
4. Try to recenter the conversation by clarifying what the issue is and why its important
5. Another approach?

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CHOOSE YOUR OWN ADVENTURE®

Your team learns of new information that will not be received positively by the other side (maybe the employer gets revenue forecasts that are way down or the union had a membership meeting where priorities shifted on an issue that has already been addressed at the table) Do you:

1. Have a leader on your team email a leader on the other team with the news
2. Share the information at your next joint session
3. Share only if asked, required, or strategically helpful
4. Another approach?

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CHOOSE YOUR OWN ADVENTURE®

Your teams are working hard together discussing an important issue. You've defined the problem, discussed why it is important, but don't seem to getting to a resolution point. Do you:

1. Tell the other team that you'll put together a proposal and send it to them before the next meeting
2. Put together a written proposal and email it to the other team without a heads-up
3. Tell the other team that you are tired of talking about the issue and want to move on to something else
4. Invite the other team to make a proposal
5. Another approach?

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Some things to think of as you start to:

CHOOSE YOUR OWN ADVENTURE®



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Bargaining Prep

1. Review existing contract
2. Headaches
3. Budget, Legislative actions, comps, pain points, opportunities
4. Gain input & parameters. Motivate but beware of winding up expectations.
5. Educate constituents of the process
6. Create proposals/list of issues.
7. Prepare for first meeting. i.e., data, materials.



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Bargaining Logistics

1. Who is on the team
2. What are roles, expectations
3. How will you keep track of things and keep notes, how will you keep the team in loop
4. How will you stay in touch with constituents, what about the public
5. How much to tackle
6. What to prioritize



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The Actual Bargain

1. Timing and frequency of meetings
2. First meeting: discuss ground rules, exchange proposals/list of issues
3. Subsequent meetings: negotiate, review data, adjust proposals
4. Understand costs
5. Agendas and tentative agreements (TAs)
6. If stuck-- internal review, external help



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Making Proposals Collaboratively

- Do your homework
- Write clearly
- Explain the proposal thoroughly and thoughtfully
- If there is an economic cost, calculate the cost ("cost out" the proposal)
- Recognize there may be other viable ways of solving the problem
- Be attentive to questions and reactions; be aware of emotional reactions
- Engage in meaningful discussion of the topic – ask questions, answer questions



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Bargaining Communication



To convey and clarify issues, positions and proposals

To explain and understand interests, i.e., why something is important



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INTERESTS

“Why”

- Needs, desires, hopes, concerns, fears
- Why the issue is important
- Examples
 - Transparent, equitable, affordable, efficient, safe, practical, accounts for unique needs, easily understood, quality of life, environmentally friendly, safety, working collaboratively

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POSITIONS VERSUS INTERESTS
Issue: What’s for dinner?

Position: One party’s solution

- Let’s go to the Thai restaurant down the street
- I’d rather get Italian at that place across town

Interest: One party’s need or concern

- Healthy options, quality ingredients, affordable, convenience
- Hearty, filling, get out of the neighborhood routine

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POSITIONS	
Parent	Go to bed by 9:00 pm on school nights
Neighbor	Cut down that dead tree
Co-worker	Don’t leave your dirty dishes in the sink
Friend	Don’t be late
Union	20 day notice of schedule change
Employer	No leave during the first week of school

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Interests Small Group Discussion

- Issue: Choose a real-life issue that has come up lately (or might come up at the bargaining table)
- What are a few interests from your team’s perspective?
- What are some ideas on how to start a productive conversation on the issue
- Prepare to share out with the larger group



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External Communications

How will we get information we need from sources outside the bargaining table?

How will we let our constituents know what is happening at the bargaining table?



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Internal Communications

- Will we use facilitation? If so, who and how?
- Will we keep notes/minutes?
- How will we develop meeting agendas?
- When we can’t meet in person, how can we ensure good communication via Zoom?



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What Does it Mean When We Say...

Tentative Agreement?

Caucus?

What if?

conceptual

off-the-record

supposal

Confidentiality?



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Listening

- Goal: to understand
- Pay attention, don't assume you know what the person is going to say
- Ask clarifying questions
- Body language
- Verbal reaction



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Speaking

- Goal: to be understood
- Share information about your perspective
- Share why it's important to you
- Think about your audience
- Focus on the problem not the person
- Tone




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Debate	Discussion
<p>Goal:</p> <p>Persuade, prove other person/side wrong</p>	<p>Goal:</p> <p>Understand other perspectives so best decision can be made</p>
<p>Process:</p> <p>Search for flaws and weaknesses in other's position, make compelling argument</p>	<p>Process:</p> <p>Listen with a willingness to be influenced by what we hear; ensure that all are heard and understood</p>


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Communicating in Zoom

What listening skills should we pay special attention to?



What speaking skills should we pay special attention to?



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Some Zoom Tips

Gallery View vs. Speaker View

Mute when you are not speaking


Use video when you can, chat msg when you can't

Only screen share when necessary

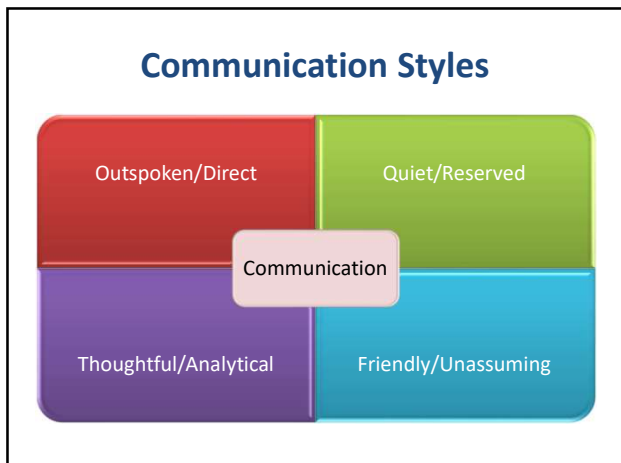
Use breakout room timer for caucuses

Pet penalty – if we can hear your pet, we get to see!

What other tips do you have?



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When in conflict, ask yourself...


Did I help create it?

Could I have made incorrect assumptions?

How can I help resolve it?

What does my behavior communicate?

What does my attitude communicate?





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Ground Rules

Purpose

Topics

Samples

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Small Group Discussion

- What are three things we, as a group, commit to do to make our bargain more collaborative?
- What behaviors will we work to avoid?
- What are one or two things I personally commit to do to make the bargain more collaborative?



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What Next...

- Develop solutions as a group
- If unable to develop solutions together, after discussing interests, parties caucus to privately develop proposals on the issue(s)
- Parties can always change gears if things aren't working. But ensure everyone knows of the change.



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When Bargaining



- Perfection is illusive when negotiating collective bargaining agreements
- You cannot change the past; focus energy on the present and the future
- Your role as a representative (versus individual agenda)



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- When are your first bargaining sessions and what's on the agenda?
- Any other conversations you want to have today?
- Thank you!
– Matthew.Greer@perc.wa.gov