April 2011

Negotiations 101: Preparing for Productive Negotiations in Good Times and Bad

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Available at: http://thekeep.eiu.edu/jcba/vol0/iss6/9
NEGOTIATIONS 101

PREPARING FOR PRODUCTIVE NEGOTIATIONS
IN GOOD TIMES AND BAD

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THE UNION’S VIEW

1. Establishing the negotiation team:
   - Selecting the team
     - method of selection
     - size of the team
     - need for expertise and information
   - Roles
     - Lead Negotiator: primary spokesperson in negotiations and for communications from the negotiation team
     - Recorder: takes notes to create bargaining history, as well as ensuring that all issues are addressed
     - Role for lawyer(s), if any

2. Gathering information
   - Financial status of employer
   - Formal requests for information
   - Differences in access to information between public and private institutions
   - Terms and conditions of employment of members of other bargaining units and non-represented employees of employer
   - Terms and conditions of employment of similar employees at other comparable employers
   - Review problems, grievances and issues that arose during last contract period
   - Evaluate employer attitudes
   - Review negotiating notes of previous negotiations
   - At public institutions – review political situation
3. Establishing union objectives and bargaining positions
   - Survey membership to determine which issues are of most concern to them
   - Consider proposals that will address problems that arose during previous contract period
   - Select collective bargaining priorities
   - Understand which issues are mandatorily negotiable and which are not

4. Higher Education Issues
   - Reappointment and Tenure
   - Rights of Part-Time Faculty
   - Faculty Governance
   - Intellectual Property
   - Free Speech and Academic Freedom

5. Drafting Proposals

6. Computing of the costs associated with bargaining proposals and contract terms
   - Determine actual cost of current agreement to create a baseline for comparison
   - Consider annual and multi-year costs
   - Consider projections for changes in number of employees
   - Calculate total cost of each proposal

7. Formulation of bargaining strategies
   - Determine management objectives and bargaining positions
     - Management economic and non-economic priorities
     - Level of resistance to proposals
     - Develop counterpoints
     - Use management priorities to union’s advantage
   - Political strategies
   - Public Opinion
     - When to maintain confidentiality and when not to
     - Building public support
8. Additional considerations

- Good faith bargaining and bargaining impasse
- Unfair Labor Practices
- Contract Bar and Waiver
- Additional state law issues at public institutions
  - Right to strike
  - State mandates
- Nature of relationship
  - Adversarialism
  - Repeat player principle