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Workshop Training: Collective Bargaining and Labor Relations for New Administrators and Labor Representatives

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Collective bargaining is an economically rational behavior engaged in by two competing interest: employers and labor unions. Settlement between the two parties is reached at an equilibrium point at which both employer and employee perceive that they will be better off if they agree than if they do not. In the case of college faculty bargaining, the union’s major goals are improved financial compensation, job security, and reduced workloads. Institutions of higher education, however, seek to conserve their scarce resources in order to maximize productivity, particularly in regard to institutional quality. (Leslie & Hui, 1977, p. 33)
The performance of the mutual obligation of the employer and the representative of the employees to:

- meet at reasonable times
- confer in good faith

Section 8[d] of the National Labor Relations Act

Vertical and Organizational Bargaining

What's covered by an academic collective bargaining agreement?

- Wages
  - Compensable benefits
  - Merit
- Hours (workload)
  - Assignment of duties
- Other conditions of employment
  - Evaluation
  - Facilities
Framework for Collective Bargaining

- Notices to bargain
- To meet at reasonable times
- Good faith bargaining
- Confer in good faith
- Mandatory, permissive, illegal subjects

When Bargaining is Required

- Initial Contracts
- Renegotiations
- Reopeners
- Effects

Steps of Negotiations

- Pre-Bargaining
- Bargaining
- Post-Bargaining
Preparation for Collective Bargaining

Gather Information

- Sources of information
  - Survey Constituents
  - Current Contract
  - Grievance History
  - Business & Economic Trends
  - Comparable (Salaries, Healthcare, etc.)

Preliminary Proposal Wish List

- Assess critical issues
- Costing
- Evaluate and leverage positions realistically
- Priorities and objectives (sometimes called “bottom line”)
Logistics and Administrative Issues

- Send proper notice
- Develop internal target dates for bargaining objectives
- Public relations and image issues

Establish and Prepare Team

- Identify lead spokesperson and other roles
- Review meeting protocol to be adopted at the table
- Role of team
- Role of chief spokesperson

Joint Sessions
Preliminary Meeting

- Schedule
- Ground Rules
- Roles
- Confidentiality

First Meeting (Initial Presentations)

- Opening Statement
- Initial Proposal Exchange
- Information Requests
- Housekeeping
- Update Bargaining Calendar

Early Meetings

- Process is underway
- Types of meetings:
  - Joint sessions
  - Caucuses
  - Sidebar discussions
Fundamentals of Collective Bargaining

**Middle Meetings**
- Typically begin to make movement on minor issues
- Packaging & Trading
- May begin to target economic issues

**Closing Meetings**
- Focus is usually on major economic issues

**Settlement and Ratifications**
- Tentative Agreement (TA)
- Wrap-Up
- Aftermath of Negotiations
Post Bargaining

Ratification With a Recommendation

- Timing
- How much information should be given to ratifying body?
- Has agreement been rejected previously?
- Standing of Negotiating Committee
- The quality of Agreement Endorsement of Negotiating Committee

Post-Bargaining Wrap-up

Post-Ratification Education
- Internal
  - From Management
  - From Union Reps
- External
Completion w/o Recommended Offer

- Last Best and Final Offer (LBFO)
- Schedule another meeting
- Mediation or other 3rd party involvement
- Continue working under the existing CBA with a contract extension
- Some form of job action

Possible Third Party Interventions

- Fact-finding
- Mediation
- Interest arbitration

Group Simulation