

# **ACBO TRAINING INSTITUTE**

## **The Collective Bargaining Process**

### **Agreements & Costing**

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# The Bargaining Process

## I. Statutory / Regulatory Requirements

### A. Winton Act (Pre-1976)

1. Meet and Confer
2. Education Code §3080 Repealed 1975

### B. Rodda Act

1. Effective July 1, 1976
2. Requires Public School Employers to Meet and Negotiate:
  - a) Wages
  - b) Hours
  - c) Other Terms and Conditions of Employment (Working Conditions)
3. Established Public Employee Relations Board (PERB)

# The Bargaining Process

## I. Statutory / Regulatory Requirements

### C. PERB

1. In conjunction with National Labor Relations Board - Requires Bargaining in Good Faith

2. Government Code Section 3541...3546

a) Unfair Labor Practices

b) School Employees Right to Form / Join / Participate in Employee Organizations

c) Exclusive Representation

d) Unit Determination Issues

e) Employee Organizations

f) Agency Fees (SB 1960 ~ 1/1/2001)

# The Bargaining Process

## I. Statutory / Regulatory Requirements

### C. PERB (*Continued*)

#### 3. Public Notice

a) Sunshine Initial Proposals  
(G.C. §3547)

b) Disclosure (G.C. §3547.5) -  
System Office Opinion N/A to

CCC

#### 4. Impasse Procedures (G.C. §3548)

# The Bargaining Process

## II. The Collective Bargaining Process

### A. Traditional Collective Bargaining Process (one end of spectrum)

1. Each Side Develops Proposals
2. Proposals Exchanged
3. Proposals Sunshined
4. Collective Bargaining Commences
5. Tentative Agreements Reached
6. Full Agreement Reached
7. Represented Unit Votes on Bargaining Team Proposals - Ratify
8. Board Ratifies
9. Contract Revised and Enacted

~ OR ~

# The Bargaining Process

## II. The Collective Bargaining Process

### B. Traditional Collective Bargaining Process (other end of the spectrum)

1. Each Side Develops Proposals
2. Proposals Exchanged
3. Proposals Sunshined
4. Collective Bargaining Commences
5. Disagreements Ensur
6. Positions Become Engrained
7. Impasse is Declared
8. Mediator is Called in - Unsuccessful
9. Fact Finding
10. Arbitrator
11. Greater Discord as Both Parties Ready for the Next Negotiations Cycle

# The Bargaining Process

## III. Suggestions to Enhance the “Experience”

### A. Selection of Negotiations Team

1. Chief Negotiator

2. Number of Members

3. Background of Members

a) Balance (Experience, Positions, Diversity, Personality, etc.)

b) Critical for CBO / Financial  
Interests to be Represented

### B. Know the Other Party

1. Analyze Union Team

a) Interests

b) Background

c) Placements

# The Bargaining Process

## III. Suggestions to Enhance the “Experience”

### C. Prepare

1. Determine Priorities
2. Develop/Share Data and Information
3. Determine Best Alternate to a Negotiated Agreement (BATNA) (what you can live with)
4. Strategize (strategy is a function of preparation)
5. Anticipate - View From Other Side
6. Positional Bargaining Requires Minimal Preparation
7. Determine Table Dynamics (who speaks, caucus authority, seating arrangements, etc.)



# The Bargaining Process

## III. Suggestions to Enhance the “Experience”

### D. Bargaining Table Tips

#### 1. Develop Ground Rules

- a) Meeting Frequency, Time, Locations, etc.
- b) Determine Process (exchange of proposals, call for caucus, etc.)
- c) Determine Authority; Role of Team
- d) Method of Tentative Agreements
- e) Minutes ??

#### 2. Be Respectful

# The Bargaining Process

## III. Suggestions to Enhance the “Experience”

### E. Other Suggestions

1. Look Long Term (example - GASB 45)
2. Total Costing Approach (know the short/long term cost; even if only for your purpose)
3. Develop Scattergram and Monitor (very revealing about effectiveness)
4. Do Not Name Contractors/Vendors in Agreements
5. Document / Document / Document (intent of language, as over time it becomes distorted)
6. Avoid Divide and Conquer - Pre and Post Meetings
7. Be Open Minded

# The Bargaining Process

## IV. Costing the Proposals / Agreements

### A. Scattergram of Personnel

### B. Total Costing Approach

#### 1. Step / Increment

#### 2. Statutory Rollups

a) Social Security / Medicare /  
Alternatives

b) STRS / PERS

c) Unemployment

d) Workers' Compensation

# The Bargaining Process

## IV. Costing the Proposals / Agreements

### B. Total Costing Approach (*Continued*)

#### 3. Health / Welfare Costs

- a) Medical
- b) Dental
- c) Vision
- d) Life Insurance
- e) Other

### C. Index Salary Schedule for Quick Costing

# The Bargaining Process

	Steps	MA	MA +15	MA +30	MA +60	Phd
1		50,000	52,000	54,080	56,243	58,493
Index		1.0000	1.0400	1.0816	1.1249	1.1699
FTE		2.0000				
Index Value		2.0000				
2		51,500	53,560	55,702	57,930	60,248
Index		1.0300	1.0712	1.1140	1.1586	1.2050
FTE					3.0000	
Index Value					3.4758	
3		53,045	55,167	57,373	59,668	62,055
Index		1.0609	1.1033	1.1475	1.1934	1.2411
FTE		4.0000	6.5000			
Index Value		4.2436	7.1715			
4		54,636	56,822	59,095	61,458	63,917
Index		1.0927	1.1364	1.1819	1.2292	1.2784
FTE				4.0000		
Total Index				4.7276		
5		56,275	58,526	60,868	63,302	65,834
Index		1.1255	1.1705	1.2174	1.2661	1.3167
FTE				2.0000		2.0000
Index Value				2.4348		2.6334

**Total Index Value 26.6867**

(5%) 2,500 x 26.6867 = \$66,717

(2%) 1,000 x 26.6867 = \$26,687

\$100,000 = \$3747 = \$53,747 Base

Need to add roll-ups (STRS/PERS, Soc. Sec., Medicare, U/C, W/C)

U/I, W/C)

# The Bargaining Process

## V. Alternatives to Traditional (Positional) Bargaining

### A. Interest Based Approach (IBA / CFIER / “Win-Win”)

1. Focus on Interests, Not Positions
2. Each ‘Side’ Develops / Shares Interests
3. Decide Issues on Merits  
(Hard on Merits / Soft on People)
4. Develop Objective Criteria
5. Develop BATNA
6. Requires Greater Communication and Trust (of Position)
7. Respect Others’ Views

# The Bargaining Process

## V. Alternatives to Traditional (Positional) Bargaining

### B. Benefits of Non-Positional Approach

1. Helps Avoid Risk of Arbitrary Outcome
2. Enhances Relationships - Recognizes Continuing Relationships (however; if focus solely on relationship, risks sloppy agreement)
3. Respects Shared Governance
4. Avoids Winners / Losers

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