

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 Education Code §3080 Repealed 1975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
 - 4. Impasse Procedures (G.C. §3548)

CCC

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 Erupt
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%) $2,500 \times 26.6867 = \$66,717$

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

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