Basics of Collective Bargaining Negotiations

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Outline of Presentation

• Nuts and Bolts of Negotiations
• Contract Campaigns – Internal
• Contract Campaigns – External
• Strategies to Build Union
• Strikes; Interest Arbitration
• Involvement of ULPs, Courts, ERB, & NLRB
When you can Negotiate

• New Bargaining Unit
• Contract Renewal
• Interim Changes
• Contractual terms trigger negotiation
What you can Negotiate

• Permissive subjects
• Mandatory subjects
• Prohibited subjects
• Similarities/ differences in how these terms are defined in the public vs. private sectors
Choosing your Bargaining Team

- Ideal characteristics
- Ideal diversity
- Time commitment
- Things you can do to increase participation & diversity of your team
Bargaining Timelines

• Public Sector:
  – New contract/ renewal
  – Re-openers
  – Interim changes

• Private Sector

• Contract Specific
Gathering Information

- Timing of Requests
- Type & Scope of Information
  - Private Sector
  - Public Sector
- Strategy of Requests; Goal
- Source of Law
  - Public Sector (PECBA; Public Records Law)
  - Private Sector (NLRA; Public Records Law (sometimes))
Types of Bargaining Proposals

• Bargaining for the Common Good
• Union Building Language
  – New employee orientation
  – Access
  – Membership Cards
  – Union business
• Removing unintended barriers for women, minorities
• Drug Testing
Table Tactics

- Lead Spokesperson
- Caucuses
- Note taking
- Presenting Proposals and Counter Proposals
Contract Campaigns – Internal

• Communication
• MAT Teams
• Outreach to members
• Workplace Actions
Contract Campaigns – External

- Appeals to Quality or Customer/Public Service Concerns
- Role of Media & Publicity
- Involvement of Community Partners
- Role of Elected Officials
Issues to Consider as you approach Impasse

• Declaration of Impasse
• Final Offers & Costing (public sector)
• Implementation by Employer
• Whether disputed proposals involve prohibited or permissive subjects
• Whether you can get a strike vote
• Whether you can succeed at interest arbitration (public sector)
Strikes

• Notices required
• Legal actions to stop strikes
• Replacement workers
• Unemployment benefits
• Sympathetic Strikes & Crossing Picket Lines
• Legality (or illegality) of rolling or intermittent strikes
Interest Arbitration

• Process
• Factors considered by arbitrator
• Jurisdiction of arbitrator
• Decision & award
Unfair Labor Practices

- Examples of when they may occur
- Examples of when they may be alleged
- Use of ULP threat as a bargaining tool
- Resolving ULP complaints before, during, and after bargaining
Once You Reach a Deal

- Tentative Agreements
- Ratification Process
- Execution of Final Contract
- Training
- Retention of Bargaining Materials
Questions?