ASSOCIATION OF CHIEF HUMAN
RESOURCES OFFICERS AND EQUAL
EMPLOYMENT OFFICERS
FALL INSTITUTE

Interest Based Bargaining:
A Win-Win Win Situation

OCTOBER 25, 2012

PRESENTED BY:
Donna Williamson
Interest Based Bargaining
ACHRO Fall Institute Conference | October 25, 2012
Presented by: Donna Williamson

Preparing for IBB
• Making the Decision
• Educating Constituencies
• Planning
• IBB Process and Tools
• Avoiding potential pitfalls

Making the Decision
Analyzing Your Reasons
• “Is it broke...?”
  – Bargaining History
  – Analysis of Issues
    • economic
    • trust and relationship
    • communications
    • preparation and organization
• “Will IBB fix it...?”
  – Avoiding the Panacea Approach
Making the Decision
Timing

- Level of Commitment
  - Governing Board
  - Management
  - Union Leadership
  - Rank & File
- Continuity of key individuals
- Economic Circumstances
- Is now the time to make this change?

Making the Decision
Pros & Cons of Making a Change

- Pros:
  - Old process not effective
  - Relationship needs to change
  - All parties seeking improvements
  - Accommodates request of one or more parties

- Cons:
  - Unrealistically increased expectations
  - Unprepared for new model
  - Key individuals not “on the same page”
  - Increased bitterness if it doesn’t work
  - Mistakes made under a new process
- Anticipate and manage these issues!
Educating Constituencies

- Selecting the Trainer/Program
  - The Selection Process
  - Cost Issues
  - Scheduling Issues
  - Credibility Issues
- Who Should Attend?
  - Does IBB Change the Make-up of the Teams?
  - Does the Governing Board/Union Leadership Attend?

Educating Constituencies

- What are the Goals of the Training?
- How is the Governing Body Trained?
- What is the Timeline?
  - How does the Training Schedule Fit with the Negotiations Schedule?
  - How does the Retroactivity Question Impact the Process and Timeline?

Planning

- Realistic Timeline
- Decisions Regarding Facilitation
- Decisions Regarding Record-Keeping
- Communications Issues
- Who Should Participate?
- Surveying Issues
- Analyzing Data
Avoiding Pitfalls

• Keep Board informed:
  – Informed About Issues at the Table
  – Continue to Educate About IBB
  – Remind Them That You Don't Have Proposals
  – Develop Ways of Communicating Between Meetings

Avoiding Pitfalls
Planning for Impasse

• Regarding Impasse:
  – IBB Does Not Guarantee There Won't Be Impasse
  – May Feel More Vulnerable Without “Hold Out” Proposals
  – Prepare Team/Board for Possibility of Less Flexibility During Impasse

Avoiding Pitfalls

• Prepare and Plan
• Minimize Surprises to Maximize Success!
• Can Change Mind
• Remember - IBB is an Evolutionary Process
**IBB Process**

**Differences from Traditional Bargaining:**

- Separates the People from the Problem
- Focuses on Interests, Not Positions
- Invents Options for Mutual Gain
- Insists on Using Objective Criteria

---

**Commonly Used IBB Terms**

- Issue
- Interest
- Options
- Position
- Standards
- Consensus
**Principles**

- Focus on Issues, Not Personalities/People
- Focus on the Future, Not the Past
- Openly and Honestly Share All Information
- Focus on Interests, Not Positions
- Create Options to Satisfy Both Mutual and Separate Interests
- Rank and Evaluate Options with Standards, Not Power

**Assumptions**

- Bargaining Enhances Relationships
- Both Parties Can Win
- Open and Honest Discussion Expands Mutual Interests and Options
- Standards Can Replace Power Regarding Bargaining Outcome

**Steps**

- Prepare
- Develop Opening Statements
- Identify Issues
- Create Options
- Create Standards
- Rank and Evaluate Options with Standards
- Achieve Agreement
Sample Agenda

• Check In
• Agenda Review
• Elephants and Ants
• Information
• Agenda Items
• Agenda for Next meeting
• Report Out

Techniques/Tools

• Idea Charting/Group Memory
• Active Listening
• Clarifying
• Brainstorming
• Consensus Seeking
• Process Checking

The Rules of Brainstorming

• Make No Criticism
  – Judging is Forbidden
  – Focus on Likes
• Be Free-Wheeling
  – Use Imagination
  – Take Risks
• Go For Quantity
  – More Ideas the Better
  – More Variety the Better
• Combine—Expand—Hitch-Hike Ideas
  – Build on Others’ Ideas
A Group Reaches Consensus

When:

• It Finally Agrees Upon a Single Alternative
• Each Group Member Can Honestly Say:
  – I Believe That You Understand My Point of View
  – I Believe That I Understand Your Point of View
  – Whether or Not I Prefer This Decision, I Support the Decision
    • Because It Was Arrived at Openly and Fairly
    • And It Is the Best Solution for Us at This Time

Challenges of Interest-Based Bargaining

• Structural Issues
  – Determining constituents’ interests and keeping constituents informed
  – When key players leave the agency
  – Commitment to the process
  – When management reverts back to “old style” when not negotiating
  – When only one side plays by the rules

Avoiding Pitfalls

• Education and Training
• Communication
• Planning
• Anticipate Potential Issues
• Keep Governing Body Informed
• Plan for Impasse
• Minimize Surprises