

STATE CENTER COMMUNITY COLLEGE DISTRICT

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Difficult Negotiations: The Impact of Philosophy, Psychology, and Data on Labor Negotiations

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Presented by:
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Agenda

- Overview of the Collective Bargaining Process
- Oh, the Fun of Philosophy!
- Psychology of Labor Negotiations
- Data! Data! Data!
- Communication Counts!

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Overview of the Collective Bargaining Process

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The Collective Bargaining Process

- Management and labor meet in good faith, regarding **wages, hours, terms and conditions of employment**
- Impasse procedures apply if parties do not reach agreement
- District may unilaterally implement last, best and final offer following completion of impasse procedures

Gov. Code §§ 3543.2, 3548 et seq.

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The Collective Bargaining Process

What is good faith?

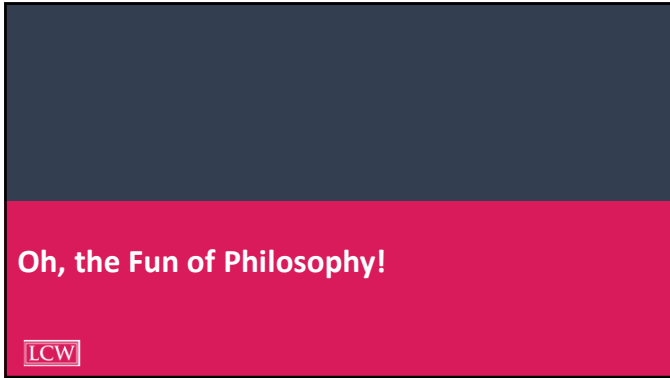
- Meet promptly upon request
- Fully consider and meaningfully respond to proposals
- Freely exchange information, opinions and proposals
- Continue meeting for a reasonable period of time
- Actively endeavor to reach agreement
- No obligation to agree; no obligation to make concession
- Hard bargaining is allowed, but must explain reasons for positions
- Must give good faith consideration to union demands & proposals

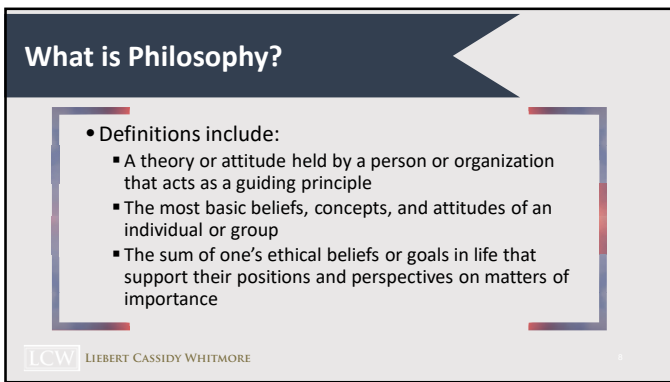
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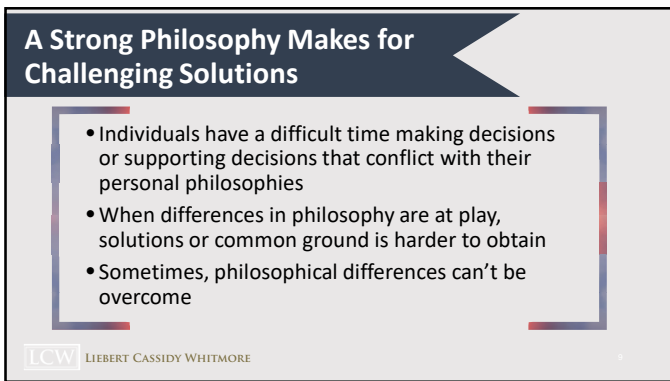
Negotiating in Difficult Economic Times

- COVID-19 has changed the economy and working conditions
- High inflation and tight labor market
- “Hot strike summer” and increased demands of higher salaries/benefits

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Philosophy or Perspective of our Stakeholders

- Board of Trustees
- CEO
- Department Managers & Supervisors
- Negotiation Team
- Bargaining Unit

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Case Study: Cost-Neutral Concepts

• Your district is struggling financially and has really done a good job of educating employees about the financial challenges. In an effort to resolve negotiations, as alternatives to their proposals with a financial impact, the CSEA employees propose some items that they believe are cost neutral but would raise the spirit/morale of their members. They include:

- Being able to work remotely twice per week
- Being able to bring their dog or cat to work with them
- Modifying the dress code, to allow jeans every day (employees who wear uniforms, continue to do so)

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Case Study: Cost-Neutral Concepts

You take these proposals to the President & department heads and they are not supportive of the remote work or the pets at work. They aren't thrilled with the jeans proposal either, but of the three, that is the least problematic.

What are the philosophical roadblocks you may face with the governing body and what are some strategies you might try or solutions you might suggest?

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Strategies for Philosophy

1. Listen to ensure a full understanding
2. Separate people from the issues
3. Use data and factual information to clarify misunderstandings, refute inaccurate information, and to persuade when evaluating alternatives
4. Provide alternative perspectives with pro/con and full transparency
5. Develop mutually beneficial solutions with limited negative impact to either party
6. Pick your battles
7. Pause when perspectives clash

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Psychology of Labor Negotiations

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A Psychological Process... What Do We Mean?

1. Understanding the expectations of the various stakeholders is critical to manage chaos
2. The parties often need something from the other side and may value those items differently
3. Logic and rational arguments don't always prevail
4. Conflict can be helpful and necessary in designing acceptable solutions
5. Emotions impact outcomes
6. You may (as a labor negotiator), on occasion, feel like you are losing your mind 😊

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What do Stakeholders Need?

1. To be informed
2. To be included
3. To be heard
4. To receive thoughtful consideration via open-minded and solution focused discussion
5. Transparency in the process
6. Forward movement, hope for success

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Credibility is Crucial to Developing Trust

- Trust or lack thereof has a psychological impact on the process of labor negotiations
- Before trust can be fostered and developed, credibility must be established
- Trust between the stakeholders can advance the success of negotiations, even when negotiating over difficult subjects

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Case Study: The Bottom Line

At the first negotiation session with the adjunct faculty union, the bargaining team shares that it would like this process to go quickly and asks you to just get the bottom line of your authority.

What are the issues that should be considered with this request?

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Case Study: Fairness & Sameness

You are beginning negotiations with the adjunct faculty union, full-time faculty union, and classified employees union. All groups want the District to be fair.

To be fair, does that require that each group have the same outcome?

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Data! Data! Data!

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Why is Data Critically Important?

- Factual and not emotional
- Offers perspective and insight
- Can be persuasive
- Sets a framework of transparency
- Requires preparation in advance and must be accurate

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Costing

- A process where every element contained within the collective bargaining agreement that has is cost is identified
- Costs paid to individuals, benefits funded through 3rd party payments and costs collected by bargaining unit need to be calculated
- When using assumptions, be open about the basis for the assumption

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Survey Data

- Compensation Surveys
 - Evaluate comparable districts
 - Is it really “total comp” or “selective comp”?
 - Is it prescriptive or informational?

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Demographic Data

- Examples
 - Authorized FTE; filled vs. vacant
 - Years of service with district; years of public service (if known)
 - Benefit plan enrollment; levels of benefits
 - Leave balances
 - Leave use
 - Actual hours worked (include overtime hours)
 - Recruitment data
 - Turnover data
 - History of salary adjustments
 - Actual costs to the district for each employee

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Financial Data

- Detailed review of district budget
 - Revenue sources (especially those that fund the bargaining unit)
 - Revenue trends
 - Expenditures
 - Expenditure trends
 - 5-10 year fiscal forecast
- Chancellor’s Office/State Budget

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Strategies for Success

- Negotiators are most successful when they understand the impact of philosophy, psychology, and data in the process
- Get to know your stakeholders and strategize ways to manage and/or overcome the challenges that impact the labor relationship
- Building a foundation and professional relationship with stakeholders outside of your time at the table will help you during the negotiations process

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Communication Counts!

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Communicating Up!

- Your boss
 - What do they need from you?
 - What do they expect from you?
 - What is their labor relations level of expertise?
 - What do you need from them?
 - What is their relationship with the unions?

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Communicating Up!

- Board of Trustees
 - Labor negotiations is not why they ran for public office
 - Not typically subject matter experts
 - Incorporate education initiatives/strategies
 - Want “happy” employees but also want happy residents, business owners, etc.

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Communicating Across!

- Operating departments (Supervisors, Managers, Deans, Vice Presidents)
 - Engage them in the initial phases of planning and preparation
 - Use them as subject matter experts
 - Verify union claims related to their proposals; seek collaborative solutions
 - Keep them updated periodically
 - Make sure they can manage what you negotiate

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Table Talk & Antics

- Tone, temperament, body language communicate messages
- Patience and composure are critical
- In difficult situations you may face:
 - Behavior that can be vulgar, offensive, obnoxious, berating, and unpleasant
 - Understand the difference between a "show" and conduct you can't tolerate
- Don't take anything personally; if you are at the table you are there to represent the agency, don't get off-track by letting things get personal
- Be respectful, but remain assertive and advocate for district's position

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Communication Counts....

- Communication happens in many different ways in labor relations
- What you say is as important as how you say it
- People remember how they are treated and communication has a big impact
- Be thoughtful, plan ahead, listen and you will have success!

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Thank You!

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