



SCHOOL NEGOTIATIONS WORKSHOP

Virtual Training
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“At the Table or Behind the Scenes, Proper Preparation is Key”

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I. Introduction

II. How to Use a Professional Negotiator

A. At the Table.

1. Traditional – The chief negotiator acts as spokesperson and engages directly with the union’s chief negotiator.
2. IBB or Similar – The professional negotiator assists with drafting and parsing out the details of the more conceptual solutions.
3. Intensive – The professional negotiator frequently becomes the master of ceremonies and many times works to move the process by doing the drafting and revisions as items are resolved, and uses the benefit of experience to resolve language or wording conundrums.

B. Behind the Scenes.

1. The professional negotiator can assist the Board’s team by preparing them for bargaining based upon the agenda for the bargaining session. This can include preparation of proposals, counterproposals, options for different outcomes and advice by phone during discussions regarding the long-term impact of language changes.

2. On-site and off-site options.
 3. Debrief meetings and preparations for the next session.
 4. Behind the scenes work by professional negotiators can keep the process moving at a comfortable pace.
 5. Behind the scenes work can include the crucial contract analysis and data analysis necessary for fact-based discussions at the table.
- C. How to decide on the best way to use a professional negotiator in your next round of bargaining.
1. What is the local tradition?
 - a. Bringing a professional negotiator to the table when that has not been done in the past can cause stress on the relationship with the union.
 - b. Sometimes it is necessary to break with tradition.
 - c. Local operations and financial challenges sometimes drive the need to bring a professional negotiator to the table.
 2. New administrators can benefit from a professional negotiator's assistance. The other side frequently has the benefit of experienced negotiators.
 3. Are the issues minor or significant?
 4. Has the district enjoyed good relationships but bad outcomes?
 5. Are concessions necessary to avoid fiscal or academic oversight?
 6. Has the district been unable to pass a levy?
 7. Will it be helpful for the professional negotiator to see and hear the bargaining sessions first-hand?

III. Choosing the Ideal Negotiations Format

- A. Traditional.
- B. Interest-Based Bargaining (“IBB”).

- C. Modified Traditional (“MTB”).
- D. SUN (“Straight Up Negotiations”).
- E. Intensive Bargaining.
- F. Critical Issues Bargaining.
- G. Important points to remember:
 - 1. No bargaining format is perfect.
 - 2. Some degree of conflict is inherent in all bargaining models.
 - 3. Ultimately, the bargaining model does not cause the parties to settle; the parties settle when they are ready.

IV. Preparation Before Creating/Exchanging Initial Proposals

- A. Begin preparation early. (See Attachment I)
- B. Identify a theme for negotiations that is coordinated with district goals.
 - 1. Improving education.
 - 2. Increasing management flexibility and rights.
 - 3. Decreasing district expenses.
 - 4. Improving attendance.
- C. Establish financial parameters for negotiations that will allow you to achieve your financial goals.
 - 1. Make certain the financial parameters are based on accurate financial forecasts.
 - 2. Possible goals/parameters:
 - a. No more than X% over each of the years of the agreement.
 - b. No more than \$X over each of the years of the agreement.

- c. Reduce or eliminate deficit spending.
 - d. Extend life of levy.
 - 3. Prepare a current training and experience grid.
 - a. Where are most employees located on the salary scale?
 - b. Where are the members of the union’s bargaining team on the salary scale?
 - c. Are a number of employees due to retire or are they located in “dead zones” on the salary schedule?
 - 4. Update the district’s five-year financial forecast.
 - a. Like a painting of the future, based upon a snapshot of today, that has been adjusted to reflect all known activities of the future, along with certain assumptions and predictions of what may happen.
 - b. Also prepare your assumptions to the financial forecast.
 - 5. Identify other data that may be useful during negotiations.
 - a. What does a one percent salary increase cost?
 - b. What is the total cost of the step increases, year over year?
 - c. What is the cost of single and family insurance premiums?
- D. Consider identifying at least 10 comparable districts and obtain copies of the current collective bargaining agreement for each district.
- 1. Ohio Department of Education’s website has a “similar district” feature, which groups every school district with 20 other school districts that are most similar to it, based on factors such as:
 - a. Average daily membership;
 - b. Poverty as a percentage of average daily membership;
 - c. Population of administrative or professional occupations;
 - d. Population density

- e. Minority students; and
 - f. Median income.
2. State Employment Relations Board's website has PDF copies of all current public sector collective bargaining agreements.
 3. Provide justification for the board of education's proposals by reference to those comparable districts where such proposals have successfully been incorporated into the collective bargaining agreement.
 4. Easier to compare "apples to apples" in teacher contracts than classified employee contracts.
- E. Prepare leave utilization data for the bargaining unit for each of the last three years if it is likely that employee absenteeism will be addressed.
1. Which days of the week are most commonly used?
 2. Are holidays/breaks being extended?
 3. What is the annual percentage of sick leave compared to annual sick leave accumulation?
- F. Identify costs of miscellaneous provisions of the collective bargaining agreement. Large costs are commonly found in contractual provisions providing for:
1. Severance pay;
 2. Tuition reimbursement; and
 3. Insurance premiums.
- G. Build the board's initial proposal with input and consensus of the entire management team (i.e., board of education, superintendent, treasurer, central office, and building administrators).
- H. Only include items in the board's proposal that in a material way would improve the district.
- I. Tailor the preparation process to the appropriate bargaining format (e.g., IBB preparation is different than preparation for traditional bargaining).
- J. Review all grievances and litigation that have occurred during the past three years related to the collective bargaining agreement.

- K. Review the collective bargaining agreement and identify current contract language that has prevented efficient operation of the district. (See below.)
- L. Preparation After the Exchange of Initial Proposals.
 - 1. Fully analyze and cost-out the Union's initial proposal.
 - 2. Conduct a brainstorming and simulated negotiations session with the Board's bargaining team.
 - 3. Prepare a rationale summary for each negotiations issue.
 - 4. Prepare at-the-table negotiations aides.
 - a. Cut-and-paste the current collective bargaining agreement, Board proposal, and Union proposal with a fully-indexed, comprehensive document organized sequentially by article and/or section number.
 - b. Prepare comparative data on negotiations issues based upon data in labor contracts of comparable Districts.

V. Conclusion

CHECKLIST FOR PREPARING FOR SCHOOL NEGOTIATIONS

- Select the Board's Bargaining Team
 - Should Board Members be on the team? (Never more than two (2))
 - Should the Superintendent and/or Treasurer be on the team?
 - What other District administrators should be on the team?
 - Should the Board use a professional negotiator?
 - How many persons should be on the Board's team? (May be limited by the collective bargaining agreement)

- Choose the Bargaining Format. (May be dictated by the negotiations procedure in the collective bargaining agreement)
 - Traditional.
 - Interest-based bargaining.
 - Intensive bargaining.
 - Other hybrid bargaining formats.

- Determine When and How Negotiations Will Begin.
 - Who will file the SERB Notice to Negotiate?
 - When will the parties exchange the initial proposals?
 - Will the parties bargain during non-work times or during the workday?
Will participants bargain on release time?
 - Where will the negotiations be held?

- Determine the Negotiations Ground Rules. (May be addressed in the collective bargaining agreement)
 - Note-taking procedures.
 - No tape recording of sessions.
 - Rules for press releases and public discussion of negotiations.
 - Release time for participants.
 - Identify spokesperson(s).
 - Tentative agreement sign-off procedures.
 - Other areas of mutual concern.

- Prepare the Board's Initial Proposal. (Format of the initial proposal will be different for IBB and Traditional Bargaining)
 - Identify a negotiations theme for negotiations coordinated with District goals.
 - Identify organizational issues that may be corrected in negotiations.
 - Review the current collective bargaining agreement and identify current contract language that has prevented efficient operation of the District.
 - Review all grievances and litigation that have occurred during the past five years related to the collective bargaining agreement.
 - Meet with District administrators to identify their concerns with contract language.
 - Review the Board Policy manual for impact on contract provisions.
 - Obtain detailed data from the District's insurance administrator on recommended changes to current insurance coverage.
 - Determine the effect of changes in the law on the collective bargaining agreement.
 - Establish financial parameters for negotiations.

- Gather Data for Use in Negotiations.
 - Obtain a list of recent W-2 salary amounts for all District employees ranked highest to lowest.
 - Identify ten (10) to twenty (20) comparable districts, and obtain copies of the current collective bargaining agreement for each district.
 - Update five (5) year financial forecast.
 - Prepare leave utilization data for the bargaining unit for each of the last three (3) years.
 - Prepare a current training and experience grid.
 - Identify costs of miscellaneous provisions of the collective bargaining agreement (i.e., severance pay, tuition reimbursement, insurance premiums, etc.).
 - Identify the names and number of employees who will be eligible to retire during the anticipated life of the new collective bargaining agreement.
 - Identify other data that may be useful during negotiations.

- Attend negotiations training sessions conducted by professional negotiators and/or FMCS.

- Preparation Tasks After the Exchange of Initial Proposals.
 - Fully analyze and cost-out the union's initial proposal.
 - Conduct a brainstorming and simulated negotiations session with the board's bargaining team.
 - Prepare rationale summary for each negotiations issue.
 - Prepare at-the-table negotiations aides.
 - Cut and paste the current collective bargaining agreement, board proposal, and union proposal with a fully-indexed comprehensive document organized sequentially by article and/or section number.
 - Prepare comparative data on negotiations issues based upon data in labor contracts of comparable districts.