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SCHOOL NEGOTIATIONS WORKSHOP

Virtual Training
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“Avoidable Mistakes: Common Errors by Inexperienced and Some Experienced Negotiators”

Presented by
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I. Introduction

A. Inexperienced negotiators have unwarranted confidence in their negotiating skills.

“Your ability to think critically *** depends on how much practice you’ve had in making the same sort of decision. But what do you do when you are in a situation that puts you out of your area of practice? If you rely only on untrained, unrehearsed, or raw instincts that you have not honed for that situation, how can you possibly react correctly?”

[From Dangerous Instincts: How Gut Feelings Betray Us by Mary Ellen O’Toole, Ph.D. and Alisa Bowman at page 35.]

B. Being overly political with the Board of Education’s bargaining decisions can adversely affect the outcome of negotiations.

II. The Importance of Effective Negotiations

- A. Effective negotiation is crucial to maintaining a balanced budget.
 - 1. 75% to 90% of a school district's budget is spent on salary and fringe benefits.
 - 2. Language items can affect the budget.
 - a. Reduction-in-force procedures.
 - b. Class size rules.
 - c. Assignment/bidding language.
 - d. Fringe benefit package.
 - 3. Salary and salary schedule index can affect the District's budget and should be considered from both a short-term and long-term (10 years) perspective.
- B. Effective negotiations can improve District performance.
 - 1. Efficient use of staff.
 - 2. Ability to correct hiring mistakes.
 - 3. Create or maintain management rights to manage organizational changes effectively.
- C. When negotiations are successful, districts have a healthy organization with adequate resources for important district needs.
- D. Decide ahead what is a successful or effective negotiation.

III. Common Mistakes Made by Inexperienced and Some Experienced Negotiators

- A. Believing that logic and rational thought will always win out in the end.
- B. Relying too heavily on your "friendship" with the parties negotiating for the union.
- C. Believing that your bottom line will be accepted by the union.

- D. Believing that the union negotiators are honestly conveying the Board's position to their members.
- E. Believing that the union negotiators always have the best interests of their membership in mind.
- F. Failing to respect the bargaining process.
- G. Allowing the union to dictate the Board's proposal.
- H. Believing a quick settlement equals a successful settlement.
- I. Agreeing to change the salary index when you don't have to.
- J. Agreeing to limit the issues to be bargained for too many consecutive negotiations.
- K. Agreeing to give up management rights in exchange for not increasing salary.
- L. Failing to properly prepare for negotiations.
- M. Failing, as a Board bargaining team, to remain unified throughout the negotiations process.
- N. Letting the union influence the Board's selection of its bargaining team.
- O. Rewarding bad union behavior by succumbing to union tactics, i.e., "classical conditioning."
- P. Allowing persons with conflicts of interest to influence the Board's parameters on bargaining issues.
- Q. Failing to have in place a skilled and proactive media strategy.
- R. Failing to remember that "no" is a legal and proper response to an unreasonable union proposal.
- S. Failing to respect the bargaining process by discussing negotiations away from the bargaining table with members of the union.
- T. Failing to remember that negotiations are usually a "one-way street" – once you give it away, you may never get it back.
- U. Having an appeasement mindset in the negotiations process.

- V. Failing to remember that the Board has little or no control on when a negotiations settlement occurs.
- W. Agreeing to a union proposal that harms the education of children.
- X. Agreeing to a union proposal that wastes money or that destabilizes the financial condition of the District.
- Y. Continuing to bargain after settlement.

IV. Strategies for Effective Negotiations

- A. Make all decisions related to bargaining based upon the best interests of the District.
- B. Choose the Board’s team without inappropriate union influence.
- C. Choose the bargaining process/format that is in the best interests of the Board.
- D. Set and maintain defined goals and parameters for bargaining outcomes, even in the face of union pressure tactics.
- E. Remain unified and disciplined in the bargaining process.
 - 1. No “white knights.”
 - 2. No breach of confidentiality.
 - 3. Reach consensus on difficult issues privately.
- F. Ensure that financial data and financial projections are accurate, credible, and have integrity.
- G. Avoid the influence of conflicts of interest on the Board’s decision-making related to bargaining.

R.C. 4117.20:

* * *

(A) No person who is a member of the same local, state, national, or international organization as the employee organization with which the public employer is bargaining or who has an interest in the outcome of the bargaining, which interest is in conflict with the interest of the public employer,

shall participate on behalf of the public employer in the collective bargaining process except that the person may, where entitled, vote on the ratification of an agreement.

(B) The public employer shall immediately remove from his role, if any, in the collective bargaining negotiations or in any matter in connection with negotiations any person who violates division (A) of this section.

* * *

- H. Do not agree to any union proposal that wastes money, reduces essential management rights, or that harms the education of children.
- I. Set bargaining goals which relate to the quality of the settlement from a management perspective, not on the timing of the settlement.
- J. Remember that “no” is a legal and proper response to an unreasonable union proposal.

R.C. 4117.01(G):

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“The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession.”

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V. Conclusion