



SCHOOL NEGOTIATIONS WORKSHOP

Virtual Training
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“Preparing For And Responding To Common Union Tactics”

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I. Introduction

School Board membership turns over frequently. There are some exceptions, but new faces are to be expected. In addition, you may have many years of relatively quiet union relations, especially during good financial times. The result is that, when negotiations begin to ramp up, tried and true union tactics seem like original, locally concocted approaches to achieving union goals. Allow this outline to assure you that they are not.

II. Background

- A. Unions tend to use pressure tactics during collective bargaining negotiations when the following conditions are present:
 - 1. New school board membership.
 - 2. New or inexperienced administrators join the board’s bargaining team.
 - 3. The district appears to have reached financial stability.
- B. Preparing for the use of the union pressure tactics and recognizing when they have been employed will allow the district to respond appropriately and maintain its focus on reaching its collective bargaining objectives.

III. Common Union Tactics

- A. Misrepresenting the Union's or the Board's proposals to members of the bargaining unit or failing to accurately inform members of the bargaining unit about the status of negotiations.
1. New Board members and Administrators who lack negotiations experience are often stunned that Union bargaining teams keep their membership in the dark with respect to negotiations. This is typical.
 2. Revealing only certain parts of negotiations to the media allows pre-existing prejudices to fill in the blanks for the readers and viewers.
 3. Response: Determine if collective bargaining agreements allow for the release of negotiations proposals to the public.
- B. Speeches at Board meetings, letters to the editor of local newspapers, and comments on social media by members of the community in support of the Union. These will all decry how the Union members have been abused, neglected, and lack the respect of the Administration.
1. Failing to disclose whole truths regarding negotiations and allowing misinformation to fester during negotiations feeds hostile interactions between community members and Board members during public meetings.
 2. When the Unions are able to garner support from respected community leaders, Boards and Administrators who are trying to make decisions in the best interest of the District find themselves demonized in the community.
 3. Use of blogs and comment sections beneath online newspaper articles.
 4. Response: Use the Board's website to disseminate truthful information regarding negotiations. Do not attempt to respond every place the Union posts to.
- C. Use of technology – blogs, websites, and mass e-mails.
1. The local Union's website will suddenly show signs of life. They are almost always dormant between negotiations. Look at the dates of the last entries.
 2. Hashtags and pictures documenting the strike will proliferate.

3. Response: Cannot respond to everything, nor is it appropriate to. Use District website and social media account to disseminate accurate information.
- D. Publicly claiming that the Board’s choice of representative is what has hindered progress.
1. The Union will demand that the “outsiders” be removed from the process.
 2. Paid Union representatives (OEA Uniserv representatives or OAPSE field representatives) typically have extensive negotiations experience, either with the Union the Board is bargaining against, or with another Union.
 3. By contrast, every year new Board members pair with new Administrators to negotiate successor agreements with teaching and non-teaching Unions.
 4. Most colleges and universities in the State of Ohio do not offer courses in collective bargaining.
 5. Response: Don’t let the Union exert control over who is on the Board negotiating team. Let the attorneys take the heat.
- E. Making harassing and unreasonable public records requests.
1. These requests can add additional workloads to an already stretched Administration dealing with difficult negotiations. When protracted negotiations take up Administrators’ time and energy, they must still complete their regular daily workload.
 3. The law is on the side of the requestor and Boards do not have similar tools to counter these requests.
 4. Response: First, determine if the request is a proper one. If it is, a response is required. Be aware, however, that the Union will complain about the Board spending money on the attorneys’ fees to respond to the unreasonable public records requests.
- F. Filing frivolous lawsuits, grievances and unfair labor practice charges against the Board.
1. As with public records requests, these frivolous legal challenges are an attempt to overwhelm and wear down the bargaining team.
 2. Typically filed in the year prior to negotiations to begin sending a message that teachers and/or staff have been treated unfairly.

3. Do not treat these as if they will go away as soon as the parties reach settlement, and thereby miss a crucial deadline.
 4. Response: Ensure deadlines are met. Consider filing own unfair labor practices for union violations of law.
- G. Characterizing all Union demands as motivated in the interests of children or the educational program.
1. Despite being public records, for most community members, school finance and school Union collective bargaining agreements are complete unknowns.
 2. The Unions will rely on basic emotional appeals to maintain the support of the community members.
- H. Publicly denying that money is the primary issue in negotiations.
1. This often occurs either right before or right after a strike notice has been issued.
 2. School District Unions frequently redirect attention away from financial issues because their finances and benefits stand in stark contrast to the private sector Union members from whom they seek support.
 3. Unions will keep student issues, such as class size, on the bargaining table along with money issues, so that when they strike, they can purport to be striking for the students' interests.
 4. Response: If possible, release copies of Union proposals asking for salary increases or release FAQs with the money proposals.
- I. Demonstrating Union solidarity by wearing buttons or other insignia.
1. Union buttons and colored shirts.
 2. Arriving and leaving school together.
 3. Signs in car windows and in front yards.
 4. Response: Ignore, unless there is ample evidence of disruption of the education process.
- J. Claiming that the Union is “working without a contract.”
1. This is patently false under Ohio law.

2. No school employee ever works without a contract in Ohio. According to the State Employment Relations Board, in the Matter of OAPSE and West Carrollton City School District, Opinion No. 86-026, the terms of a collective bargaining agreement remain in effect after it expires until a new agreement is reached. Union leadership is well aware of this.
 3. Response: Refute this claim when disseminating information on District website and social media.
- K. Establishing a “crisis center” in a conspicuous space within the community during a critical stage in negotiations.
- L. Initiating a work slowdown on the job and doing only what is required (AKA work to rule).
1. Has included refusal of any activities outside of the contractual teacher workday.
 2. Has included refusal to write letters of recommendation for colleges and military appointments.
 3. Response: Depends on specific examples of work slowdown, but discipline may be necessary.
- M. Trying to circumvent the negotiating process by “cutting a deal” with a Board member or Administrator.
1. According to Saul Alinsky’s “*Rules for Radicals*,” one fundamental tactic is to “know the enemy and divide the enemy.”
 2. Do not let outside pressures result in the abandonment of the process of negotiations.
 3. Response: Require that all communications go through the negotiations process, and ask that all negotiations team members report such contacts. Be aware that such communications may constitute an unfair labor practice.
- N. The “no confidence” vote for the District’s Superintendent.
1. According to Bruce Cooper, a Fordham University education professor who co-authored a study titled “*Career Crisis in the School Superintendency*”: “There is a general lack of respect for the superintendent. They become someone to attack when things don’t go well.”

2. It has become standard to announce that a Union has passed a “no confidence” vote against a Superintendent.
 3. Response: Simply be aware that this is merely a symbolic tactic that has no legal consequences.
- O. Personal emails, texts, and phone calls by certain teachers to Board members on the basis of personal friendships, business relationships, church affiliations, social club memberships, and other avenues to create disruption between the Board members, the Administration, and/or the professional negotiator.
1. May be innocent commiserating – still may be used by the other side for unintended purposes.
 2. Communication gives comfort to the other side.
 3. Response: Stay within the agreed-upon negotiations process—all communications go to the team.
- P. Refusing to speak to or acknowledge Board members or Administrators. This may include family members.
- Q. Attempts to polarize and divide the Board.
1. Attacking Board members who are at the table as not representing the whole Board.
 2. Attacking Board members who are not at the table as being uninformed and uncaring.
 3. Response: Ignore attacks and trust the negotiation process.
- R. Refusing to accept the accuracy of the Treasurer’s financial report.
- “Your numbers are wrong.”
- S. Orchestrating student marches, walkouts, or other “student” actions in support of the employees.
1. These activities can be prepared well in advance of strikes through in-class lessons about civil disobedience. They are also easier to orchestrate with new technology and social media.
 2. Response: Maintain the student code of conduct in the face of such activities to diffuse the students’ efforts and maintain safety.

- T. Intimidating and harassing children of Board members and Administrators in school.
- U. Invoking the Divine.
 - 1. When local clergy get involved in negotiations, it is almost always from the Union side.
 - 2. This signals to the community that the Union's positions are righteous and that the Board's positions are evil.
- V. Urging extended negotiating meetings or marathon "round-the-clock" bargaining sessions.
 - 1. It is a mistake to set a date to conclude negotiations.
 - 2. Negotiations toward an agreement will have a natural end, if the process is adhered to.
 - 3. Response: If using a federal mediator, leave it to the mediator to call the next meeting. Otherwise, do not agree to marathon negotiating sessions to meet a deadline.
- W. Attempting to obtain judicial intervention in the bargaining process, usually by filing a demand for injunctive relief.
 - 1. When a judge gets involved, the natural momentum of the negotiations process is artificially forced to a head.
 - 2. The political benefits of forcing a settlement are short lived compared to the long-term damage of preventing necessary educational improvements or economic flexibility.
- X. Calling for reinforcements.
 - 1. If morale is down and there are not enough enthusiastic picketers on the lines, other unions will be contacted to man the lines.
 - 2. Picket lines will be artificially staffed by people from other unions in the state, pretending to be members of the local community. These picketers will be more aggressive and disruptive because they don't have to live in the community and do not know the people they are trying to intimidate.

- Y. Giving up “right” to strike.
 - 1. In exchange for submitting unresolved issues to binding interest arbitration.
 - 2. In exchange for Board giving up “right” to implement contract.
 - 3. Response: Reject any offer that requires the Board to give up the ability to make fiscally responsible decisions.

- Z. Threatening to strike and engaging in picketing activities.
 - 1. Strike notices are generally timed to maximize pressure on Boards and Administrators.
 - 2. Circulating a “strike calendar” so that the Board can see it. This makes the threat appear more real and tangible.
 - 3. Response: Be prepared for possibility of a strike. Do not cave at the critical moment of negotiations because you are not prepared for a strike.

- AA. Reporting injuries from the picket line.
 - 1. Picketers walk in front of moving cars to prevent entrance to buildings.
 - 2. Response: This is much less likely to occur if picketers know that they are being filmed.

IV. Additional Tips on Reducing the Impact of Threats and Tactics

- A. Knowledge is Power: Familiarize yourself with the tactics before you begin negotiations. If you are familiar with them there will be less anxiety as they unfold.
- B. Respond with a consistent message and theme.
 - 1. Quality education.
 - 2. Financial responsibility.
 - 3. Fairness.
- C. Pick one or two primary spokespersons.
- D. Do not engage in like tactics.

- E. Do not let emotion direct your comments.
- F. Communicate regularly with team, Administrators, and Board.
- G. Listen carefully. Tactics may have hidden messages.
- H. Contact law enforcement if union tactics threaten the safety of other district employees, substitutes, board members, or district property.
- I. Always keep in mind these issues throughout the bargaining process:
 - 1. What is best for education of students in your District?
 - 2. What is best for the community your District serves?
 - 3. What is fair for teachers?
 - 4. What can you afford?

Use this focus to conquer concerns over the inevitable Union tactics.

- J. Prior successful use of tactics by Union increases likelihood the tactics will be repeated.

V. Conclusion

- A. It is a mistake to call the negotiations process a “game” in conversation with the Unions. They will interpret this as a lack of resolve on your part to see the process through.
- B. Having the courage to stand up to Union tactics goes beyond refusing to agree to proposals that hurt education.
- C. Understanding the tactics may help you gain agreement on proposals that improve education and educational opportunities.