Preparing Newcomers for Successful Negotiations  
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Preparing for labor contract negotiations is one of the most important things newcomers can do before entering into negotiations. There are many areas that need to be considered before entering into negotiations. The focus of this paper is to help newcomers determine how to approach negotiation and show them ways to utilize institutional knowledge. Newcomers should review the following checklist and modify, as needed, to fit their own organization.

1. Find a mentor who you can advise you on what to expect during negotiations.
2. Schedule time to review past negotiation files.
3. Understand your authority level, the expectations of principals (Board), upper management, and the importance of confidentiality.
4. Talk to agency managers about concerns, suggested Memorandum of Understanding (MOU) changes, and/or issues that employees may raise during negotiations.
5. Prepare current negotiation files.
6. Prepare for the unexpected items your employees may bring up.
7. Prepare for the tactics that the business representative will use in negotiations.

The following sections describe the above tasks in more detail and discuss the pitfalls of failing to do these tasks. The desired final outcome is a win-win for the agency and the union.

**1. Find a mentor who you can advise you on what to expect during negotiations.**

For most new negotiators, your mentor will be your current supervisor. Your supervisor will most likely be the chief negotiator in your agency and be able to give you insight on all of the players at the negotiation table. New negotiators should ask as many questions of your mentor as possible in order to understand not only the players at the negotiation table, but also their styles and history. As always, if you do not understand something from the previous negotiation because you were not part of the previous negotiations, you should ask someone who was there. If your predecessor has retired or left the agency, refer to the notes of the negotiation, if possible. Always try to find someone who was at the table who can explain the history of your organization and what truly happened in previous negotiations to you. It is always better to learn from someone who has been there and learn from the mistakes that they made before repeating the same old mistakes. Remember, there is no substitute for past experience.

**2. Schedule time to review past negotiation files.**

Knowledge is power when you are negotiating. The more time you put into the process of knowing what the other side will bring to the table, and trying to figure out what your strategy will be, the better prepared you will be. Reviewing previous negotiation files is
one of the most critical areas a new negotiator should complete before entering into negotiations. It is always prudent to review previous negotiations files because they give newcomers insight, the history of an organization, and list the hot topics from previous negotiations. Reading this information will also help newcomers understand the positions that management and the union took during last negotiations, and hopefully what middle ground was sought in forming an agreement between management and the union. Your time is important when reviewing files and you need to schedule enough time to thoroughly review these previous negotiation files. It may take hours or days to review these files depending on the number of proposals that were considered during previous negotiations and how the files were organized. It is usually best for newcomers to start with the biggest bargaining unit for their agency, so that they can see how the previous agency negotiator and business representative communicated with each other as well as what topics were discussed.

One of the most critical errors a new negotiator can make is to not review the previous negotiation files. Newcomers will lack an understanding of how or why the agency took a position regarding a proposal. If a newcomer fails to review past negotiation files, they will not understand management’s position on past issues and may give away some of the gains that previous negotiators fought to achieve. Also, new negotiators are not taken seriously if the other side perceives that they do not know or understand the issues. Once credibility is lost, it will take a long time to be gained again, if ever.

Reviewing and understanding the current MOU is also critical to the success of new negotiators with the Business Representative. New negotiators need to not only understand the wording of the MOU, but the intent behind each topic. You will want to look at the proposals and notes from the previous negotiation of your MOU. This will let you know what the conceptual idea was for both management and the union when they originally came to the table. By reviewing the drafts you will see the original intention before the parties reached an agreement and finalized the item. This information will not only help you when an employee or manager calls you for an interpretation of one of the sections in the MOU. In addition, it will let you consider if that MOU section has been successful for the agency or if it is time to consider changes. As always, if you do not understand the interpretation of one of the sections, you should ask someone who was involved or refer to the notes of the negotiation. Reviewing the MOU and past files will help you retain some of the institutional knowledge that went into preparing these documents and avoid the pitfalls and mines of previous negotiations.

If you do not understand the history of the MOU, you are likely to end up embarrassing yourself and looking incompetent in front of the business representative and your employees (who will ensure that the rumor mill knows about it by the end of the day). Upper management and your principals will also know about the incident usually before you have an opportunity to consider what happened and how you are going to repair the damage.

In short, reviewing the previous negotiation files is one of the most critical areas a new negotiator should review before entering into negotiations.
3. Understand your authority level, the expectations of principals, upper management, and the importance of confidentiality.

Negotiations can be your opportunity to shine in front of upper management and your principals. This may be one of the few times where your work product is directly reviewed. You need to ensure that you understand the directives and authority level given to you before you enter into negotiations.

Newcomers are often overwhelmed when they meet their principals and do not always ask enough questions. When the principals’ goals have not been achieved, it is often because the new negotiator did not understand what the principles were expecting. Never be afraid to ask your principals questions and always take time to repeat the information you receive from them to make sure everyone is on the same page before going into negotiation.

One of the biggest problems new negotiators face is the interaction of their principals with the union or employees. The best way to deal with this problem is to have all of your principals agree not to meet with the business representative or your agency’s employees during negotiations. New negotiators need to insist that their principals do not let employees and the union have direct access to them during negotiations. This undermines your authority level that has been granted at the start of negotiations. It puts the union in the driver’s seat during negotiations because they know what you truly have to offer (remember knowledge is power). They also know that if they are not satisfied with what you are offering them that they can go to your principals. You need to remember that at some point in the future one of you principals will break this agreement.

If employees or union representatives succeed in getting direct access to principals during negotiations in spite of your best effort, you need to take immediate action. It is imperative that you inform the principals at their next meeting if someone has broken the agreement. This undermines the authority level that they have granted you when negotiations started. It also puts the union in the drivers seat during negotiations because they know what you truly have to offer. One of these meetings is usually enough to get and keep things on track until you have a new set of principals and need to introduce more peer pressure.

4. Talk to agency managers about concerns, suggested MOU changes, and/or issues that employees may raise during negotiations.

Take time to meet with your agency management team or at least send a quick email to them requesting any concerns and/or suggested changes they have for the MOU. Also, ask if they are aware of any issues that your employees will be bringing up during negotiations. Your agency managers have a wealth of information and usually have their hand on the pulse of their subordinates. They can not only tell you the mood of their employees going into negotiation, but have usually heard either directly or indirectly from their employees what issues they are planning on bringing to negotiation. It is always beneficial to take a few minutes to use the relationships that managers have built with their employees prior to negotiations.
Failing to take a few minutes to talk with your management team is one of the biggest mistakes that new negotiators make because they either don’t want to request help from someone else or think that they know everything. Look forward to hearing from your agency’s managers regarding any concerns and suggested changes for MOU. This input is another opportunity to build relationships with your management team and help them solve their problems, improving customer service. Always take time to build relationships with managers because it will help avoid unexpected problems with your management team, unions or employees when you least expect it.

When you are requesting information, you need to realize the concerns management has may not always be relevant to current negotiations. Management may take this opportunity to blow off steam regarding their employees. Most of the time if you take a moment to ask a few follow up questions regarding management’s concerns, you will find some real underlying issues that need to be discussed in upcoming negotiation. These concerns will help your agency function more effectively. At the very least, you will know management’s concerns and have given them a chance to be heard. Attach a copy of the footnotes and side letters of agreement from the MOU for your managers to review. You will be amazed at some of the responses you receive from new managers who have not reviewed an MOU before.

5. **Prepare current negotiation files.**

You want to appear to be on top of everything when you are meeting with the union. The best way to look prepared is to be prepared take an extra hour before you meet with the union and make sure that you have a binder or folder with the information listed below in an easy to find format. This way you will be able to produce anything you need in a moments notice.

Current negotiations files for each union should contain:

- Communications between management and the union since last negotiations
- Draft ground rules
- Calendars for the years that you will be negotiating
- Sign in sheets
- Current MOU
- Side Letters of Agreement
- Footnotes to Salary Schedules
- Management proposals
- Union proposal
- Labor market comparison
- Tentative Agreement
- Notes
6. Prepare for the unexpected items your employees may bring up.

The best asset any agency has is its’ employees. I am continually amazed at how worked up each bargaining units employees become as negotiations fever starts to hit them. This is especially true when you take a step back and realize that no matter what your employees walk away with from the notation table, it will never be enough. Never underestimate how much your employees know, or think they know, when it comes to negotiations. Some of the signs of negotiation fever you will frequently see prior to negotiations are increased complaints over minor subjects by various employees in different bargaining units just before negotiations start. These subjects would probably never see the light of day except that bargaining units and employees realize the you only have so much time in a day to commit to any task. Employees would like to distract you from the real issues that they are planning on bringing to negotiations. They want to take up a lot of your time with senseless items to takes your focus away from preparing for negotiation.

New negotiators need to understand that some employees will always see you as an opponent or their enemy no matter what you do. New negotiators also need to understand that it is not your job to get along with everyone all of the time. You will probably always have someone upset with you throughout the negotiation process if you are doing your job. There will always be gossip and negative opinions about the agency’s negotiators with the employees during negotiations, so do not let them get you down.

7. Prepare for the tactics that the business representative will use in negotiations.

There are many faces and tactics that the business representative may choose to show you for negotiations. The business representative’s goal is to catch you off balance and put on a good show for their dues-paying members. Taking a break before you damage your position or relationship with the union is perfectly acceptable and even advisable. All negotiations give you the opportunity to improve your position with the other side.

Business representatives may choose to ignore any and all of your communications to them regardless of how many times you call and leave messages. They may choose to respond in a slow manner in order to reduce your timeline for negotiations. This is a Bad Faith tactic that is sometimes used with new negotiators.

Part of negotiation preparation is recognizing what tactics the business representative is using so you are prepared to head them off. If you know from your review of previous negotiation files that the business representative did not respond to communication in a timely manner, then it is your responsibility to head off the business representative by sending a written notice that it is time to begin negotiations with a timeline for meetings. Written documentation does sometimes interfere with the relationship you are trying to build with the business representative. When you want to make sure that the union receives the message and puts them on notice for their dilatory tactics, written documentation is the best way to go. Prepare for the worse case scenario, so that you can be prepared if things do not go your way and surprised if they do.
Business representatives often try to bulldoze or bully new negotiators into doing what the union wants. They will appear to angry, even red-faced, ranting about whatever they perceive you might have done with or without any evidence to try to show their membership they are in charge and earning their paycheck. The best way to deal with a bully is to let them keep spouting off information until they are winded. Then ask them questions, not only on the topic that they have brought up, but also on why they are acting that way. It is always enjoyable when you catch the business representative off guard by not cowering. Ask a few simple follow-up questions that require them to justify their actions and information they have presented. See if you are able to catch them off guard when they have already winded themselves. The goal is to gain the grudging respect of the business representative. Do not under any circumstances make the other person look like a complete fool if you want to accomplish anything positive at the negotiation table. It takes a long time to build a relationship with someone and sometimes when you cut the business representative a little bit of slack they will return the gesture in a positive way that you would never have expected.

When the business representative responds with an avalanche of proposals, realize that some of these proposals will be “smoke and mirrors” things that they put on the table but will be prepared to take away in exchange for something else. With the proposals comes a mountain of investigative work for you and your staff as well as a number of other employees within the agency. Some of these employees not only work for the agency full time, but also are active members of the union. In many cases, they have already researched all of the historical background into every proposal that the business representative has given you for negotiations. Part of your job as the agency negotiator is to gather the same information that the business representative is requesting with the manager of the section. You need to ensure that there is not any information missing when you turn over the proposal to the business representative. Remember to maintain your perspective when the business representative produces documentation that was on an employee’s desk and not in the files when the manager was researching the information. Also, you want to give the business representative only information that was asked for. Never volunteer information that is contrary to the position you are taking. In other words, do not help the other side. New negotiators like to show how much they know and sometimes they not only help the other side by providing additional information and give away the proposal without realizing it.

If you want to improve your relationship with the business representative:

- Come to negotiations thoroughly prepared
- Show everyone that you will not be bullied
- Understand all of the issues
- Be a good listener who knows how present a poker face
- Ask questions to get at the underlying information that is being proposed
- Ask thought-provoking questions than require the union to back up their proposals at every point and force them to volunteer information that will help you and your position.
If you can do these things without giving away your position, everyone in the room will respect you. Remember, many good negotiators have come from a successful background representing employees in private companies and public agencies.

In conclusion, your job is to complete negotiations with a win – win for the agency and for the union that represents your employees at the end of the day whenever possible. Your managers and principals will not only be judging you on the end product but how you preformed through the whole negotiation process with your ever-changing directives, and that you managed to complete your task without being caught off balance by the business representatives. Preparing for negotiations is the key to success. Remember this is your time to shine.

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Submitted to the CALPERA Labor Academy, May 2006.