Engaging Managers During Bargaining Toolkit

Unionization Phase Three

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| About This Resource *This toolkit is part of a* [*resource collection*](https://www.managementcenter.org/collection/unionization/) *for leaders and managers preparing for a unionization process.*  This toolkit helps senior leaders support managers through the third phase of unionization: bargaining your first contract.  A few important notes about this phase:   * **Processing feelings.** Throughout the unionization process, but *especially* once bargaining begins, it’s common for managers to experience tension, anxiety, and/or conflict. Bargaining is often conflict-laden (although this conflict can be generative!), which can trigger emotional responses. Middle managers, especially, might feel particularly impacted during this time—after all, they will be implicated in staff complaints about management, but with less positional power than senior leadership. We recommend that leadership hold space for managers to process their feelings before trying to engage on proposals. * **Inviting input on proposals.**In presenting unit proposals to managers, it is important for leaders to be clear about what kind of input you’re soliciting and what the management bargaining team will do with it. Managers will become disillusioned with the process if they don’t believe their input will get integrated into management’s bargaining positions. And the reality is, not everything can be integrated! The best way to prevent manager disillusionment is to be explicit about your modes of decision-making, and who the decision-makers are. * **Guiding principles.** Throughout bargaining, remember the [Guiding Principles for Managers](https://www.managementcenter.org/resources/four-guiding-principles-for-managers-during-unionization/) and your organization’s values and how they align with a strong labor-management relationship.   **This toolkit includes:**   * [Sample Managers’ Meeting Agenda: Bargaining Begins](#kix.bvhnzeayu4r6) * [Talking Points](#kix.nkddgvgbmo8) * [Sample Managers’ Meeting Agenda: Bargaining Underway](#kix.bzubyef4iwa) * [Sample Presentation of Bargaining Topics for Input](#kix.aqrbsy7d9p9u) * [Additional Resources](#kix.liz58pfhwf74)   **Tip:** Read and reflect on Amy Smoucha’s “[Towards a Values-Based Approach to Navigating Staff Unions in Social Justice Organizations](https://drive.google.com/file/d/1pChdXXxGkUYDFocDnT3JSM9-UPddDTnH/view?usp=sharing),” and revisit TMC’s [Fair Process](https://www.managementcenter.org/resources/using-fair-process-to-make-better-decisions-a-quick-start-guide/) overview and [Modes of Decision-Making](https://www.managementcenter.org/resources/modes-decision-making/). |

# Sample Managers’ Meeting Agenda: Bargaining Begins

## Purpose

The purpose of this meeting is for senior leadership to:

* Announce and share information about the collective bargaining process
* Provide learning and training materials
* Forecast how managers will be expected to engage throughout the process
* Create space for managers to share questions and concerns
* Hold space for managers to process any feelings

## Outcomes

By the end of this meeting, managers will:

* Understand phase three of unionization and its key components
* Know where to find resources for further learning
* Be informed of key upcoming events and timelines

## Process (90 min)

1. **Welcome & get settled** (10 min)
   * Share: name, pronouns, one priority for your team this week.
   * Do a grounding exercise *(*[*here are some options*](https://www.takingcharge.csh.umn.edu/how-begin)*)*
2. **Review purpose & outcomes** (5 min)
3. **Bargaining is beginning—here’s what that means for us** (30 min) *(*[*see talking points*](#kix.nkddgvgbmo8)*)*
   * Unionization phase three: first contract negotiation
   * Reminders: our approach & opportunities for input

* **Q&A** (20 min)*(see common questions)*
* **Other administrative items & closing** (10 min)

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# Talking Points

## Bargaining is beginning—here’s what that means for us

### Unionization Phase Three: First Contract Negotiation

The timeline for this phase varies but can take anywhere from 6 months to 2 years. As a reminder: the **“Status Quo Period”** remains in effect until a contract is signed.

#### **Key components of this phase:**

* Union & management discuss and negotiate a topic until we reach a tentative agreement (TA)
  + Bargaining teams caucus as needed throughout
  + Management continues to furnish information upon request to the union with guidance from an attorney
    - Ultimately: the union shares a complete tentative Collective Bargaining Agreement (CBA) with membership for ratification vote
      * If ratified: it moves to signature by union and management
      * If not ratified: it goes back to bargaining
    - If needed: we hire a mediator
* We’ll be using [[interest-based](https://www.beyondneutrality.org/s/Interest-Based-Bargaining-RTU.pdf) or [positional/traditional](https://www.beyondneutrality.org/s/Traditional-Bargaining-RTU.pdf)] bargaining
  + **[We chose this approach because… ]**
* We’ll continue soliciting input from managers through manager meetings or office hours
  + We’ll let you know when we reach a tentative agreement on particular topics, or when we feel like we are particularly close to TA on something.
  + When we are far from agreement with the unit on a particular topic, then your perspectives as managers are incredibly valuable to help inform our negotiations. When this happens, we’ll:
    - Try to present as much context as possible, including the unit’s proposal and any Management counter-proposals if applicable
    - Be transparent about our [mode of decision-making](https://www.managementcenter.org/resources/modes-decision-making/)
    - Ask for your perceived impact of the topic on your team’s work, and any potential pros and cons you could envision from any changes

### Reminders

#### **Our approach &** [**guiding principles**](https://www.managementcenter.org/resources/four-guiding-principles-for-managers-during-unionization/)

* Approach from a pro-union, anti-racist, and mission-driven lens.
* Act from a grounded place.
* Own your power.
* Know your role.
* Recommit to strong management practices.

Aside from these managers' meetings, you can sign up for office hours with the Management Bargaining Team through **[how to sign up]***.*If you have questions about what you can or cannot do as a supervisor, reach out to your manager and/or HR. You can also reference two tools from Beyond Neutrality:

* [Supervising in a Union Context](https://www.beyondneutrality.org/s/BN-Resource-Supervising-in-a-Union-Environment.pdf)
* [Management Communication About the Union](https://www.beyondneutrality.org/s/BN-Resource-Management-Communications.pdf)

# Sample Managers’ Meeting Agenda: Bargaining Underway

### Purpose

The purpose of this meeting is for senior leadership to:

* Announce and share information about the unionization process
* Provide learning and training materials
* Solicit input from managers on key proposals
* Create space for managers to share questions and concerns

### Outcomes

By the end of this meeting, managers will:

* Understand current priority bargaining topics
* Have shared or have a plan to share potential implications of bargaining proposals for their team(s)

### Process (90 min)

* **Welcome & get settled** (10 min) Share: Name, pronouns, one priority for your team this week.
* **Review purpose & outcomes** (5 min)
* **Bargaining topics for input** (45 min)
  + **[Topic 1]**
  + **[Topic 2]**
  + **[Topic 3]**
  + **[Topic 4]**
* **Other administrative items & closing** (10 min)

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# Sample Bargaining Topics for Input

*The following are examples of common bargaining topics. These won’t all necessarily be relevant to your organization, and these are simplified representations to demonstrate one way you can present topics to managers for input.*

**Bargaining Topic: 4-day work week**

The union has proposed a 4-day work week as part of their bargaining package. The union’s proposal does not require a specific or consistent schedule and is accompanied by no decrease in staff pay.

* [**Mode of decision-making**](https://www.managementcenter.org/resources/modes-decision-making/)**: consulting**
* What are some of your initial reactions to the proposal?
* What benefits could you foresee with this proposal? What challenges?
* One concern that management has is **[concern]**. How would you envision navigating that with your team?
* Do you have ideas about how this proposal could be altered to make it stronger?

**Bargaining Topic: Economic Package**

The union’s proposed economic package would come to an approximate annual cost of **[amount]**. If we maintain roughly the same fundraising, revenue generation, and expenses that we have over the last three years, we’ll only have enough money to cover about 60% of what is included in their package.

* [**Mode of decision-making**](https://www.managementcenter.org/resources/modes-decision-making/)**: testing**
* One option that we’re considering is a slightly reduced version of every economic proposal included in the union’s package, to offset the 40% deficit. How does that land with you? How could you envision that impacting your team?
* Another option would be to prioritize some elements of the union’s proposal over others. Which aspects of the economic package do you feel most strongly should be included, and why?

**Bargaining Topic: Remote Work Policy**

The union has proposed a remote work policy that would require employees to work “in the office or field” a minimum of 3 days per week, with the option to work remotely for the other two days, contingent on job performance. As a reminder, our current policy requires employees to work “in the office or field” a minimum of 4 days per week, with the option to work remotely for one day per week, contingent on job performance.

* [**Mode of decision-making**](https://www.managementcenter.org/resources/modes-decision-making/)**: consulting**
* What are some of your initial reactions to the proposal?
* What benefits could you foresee with this proposal? What challenges?
* One concern that management has is **[concern]**. How would you envision navigating that with your team?
* Do you have ideas about how this proposal could be altered to make it stronger?

**Other common bargaining topics:**

* Fringe benefits, like medical coverage or retirement benefits
* Compensation and wages
* Paid time off
* Promotions and transfers

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# Additional Resources:

* [About Traditional Bargaining](https://www.beyondneutrality.org/s/Traditional-Bargaining-RTU.pdf)
* [About Interest Based Bargaining](https://www.beyondneutrality.org/s/Interest-Based-Bargaining-RTU.pdf)
* [What to Expect During First Contract Negotiations](https://www.beyondneutrality.org/s/BNR-I-WTK-I-Phase-Three-Bargaining-a-First-Contract.pdf)
* [The National Labor Relations Act (NLRA) - Examples of Mandatory & Permissive Bargaining Subjects](https://www.employer.gov/EmploymentIssues/Union-and-protected-concerted-activity/What-rules-govern-how-I-interact-with-union-representatives/#:~:text=Some%20examples%20of%20mandatory%20subjects,Scheduling)
* [Towards a Values-Based Approach to Navigating Staff Unions in Social Justice Organizations](https://drive.google.com/file/d/1pChdXXxGkUYDFocDnT3JSM9-UPddDTnH/view?usp=sharing)