



**CONTRACT NEGOTIATIONS
WORKSHOP**

 **2021**

PRESENTERS

Dean Adams

Director of Field Operations

Robert Mootry

Region 6 Director

Miguel Cruz

Region 1 Director

WORKSHOP GOALS

- **REVIEW A SUMMARY OF THE BASIC TECHNIQUES AND PROCESS OF CONTRACT NEGOTIATIONS AND HOW THEY APPLY IN A NEGOTIATION SESSION.**

THE BREAKDOWN

PREP WORK

- **MAPPING**
- **ORGANIZING/ PROPOSALS**
- **RESEARCH**
- **TEAM**
- **GROUND RULES**

COMMUNICATIONS

- **INTERNAL**
- **EXTERNAL**
- **SOCIAL MEDIA**
- **BLACK OUT**

BARGAINING

- **GROUND RULES AT TABLE**
- **COSTING OF PROPOSALS**
- **RATIFICATION...OR**
- **NON- AGHREEMENT**

PREP WORK

- **TEAM**
- **GROUND RULES**
- **RESEARCH**
- **ORGANIZING PROPOSALS**
- **MAPPING**



CHOOSING YOUR TEAM

&

GROUND RULES

ORGANIZING PROPOSALS

TOP PRIORITIES FOR OUR BARGAINING TEAM

IDENTIFY YOUR 3 TOP PRIORITIES FOR THE UPCOMING
CONTRACT NEGOTIATIONS **ASIDE FROM WAGES**

1. BINDING ARBITRATION

2. An extra Personal Day

3. Pro Rated Leave Benefits for Part Time



Information you can request for Bargaining

Under the U.S. National Labor Relations Act (governed by the NLRB), and the Public Employees' Fair Employment Act (governed by PERB), Unions have a right to get all sorts of information from the employer if it is needed to enforce the contract and defend the members. The kind of information that must be provided - if it's relevant to the situation (negotiations, grievance, discipline, etc.) - is sweeping or broad. The employer must pay for supplying the requested information unless it can show that "substantial costs" are involved. In this case, the Union and employer must bargain over sharing the burden. If the costs are too high the Union can request direct access to the information. The information requested cannot be for a fishing expedition (Hey, let's ask for a bunch of stuff to see what we can find out!)

PERB has held that a Union is entitled to be supplied with certain information by a public employer. It has stated:

[A]n employee organization may request, and is entitled to receive, information which is necessary for the preparation for collective negotiations, and information necessary for the administration of a contract including the investigation of grievances. In both cases, the obligation of the employer would be circumscribed by the rule of reasonableness, including the burden upon the employer to provide the information, the availability of the information elsewhere, necessity thereof, the relevancy thereof and, finally, that the information supplied need not be in the form requested as long as it satisfies a demonstrated need. (Albany City School District, 6 PERB 5912 (1973))

You must be able to state why your request is reasonable. You must include a reasonable date for the employer to provide the information by as well (usually 2 weeks). The date will determine the trigger for the time frame to file an Improper Practice (IP) charge with PERB or an Unfair Labor Practice (ULP) with the NLRB. Below is a list of examples of information that can be asked for:

- accident reports
- attendance records
- *audited* Annual Financial Statements
- bargaining notes
- Bond Prospectus (showing the municipality's credit rating)
- books records
- collective bargaining agreements for other bargaining units or other facilities
- company manuals, policies, and guidelines

Information you can request for Bargaining

- contracts with customers, suppliers and subcontractors
- correspondence
- customer parent resident complaints
- customer parent resident lists
- disciplinary records
- equipment specifications
- evaluation
- Health insurance, Dental, Vision, Disability, Petition, 401k, 401b benefits
- inspection records
- insurance policies, Summary Plan Descriptions (SPD)
- inter-sew notes
- interim financial reports
- investigations reports
- job assignment records
- job descriptions, titles, grades salaries
- material safety data sheets (MSDSs)
- payroll records
- personnel files
- photographs
- piece rate records
- proposed and/or adopted budgets
- reports and studies
- Requests for proposals (RFP)
- security guard records
- security reports
- seniority lists hire dates transfer dates
- supervisors' notes
- time study records
- training manuals
- videotapes
- wage and salary records (hourly and/or salary)
- work rules

RESEARCH



RESEARCH

Ⓢ **UNDER THE U.S. NATIONAL LABOR RELATIONS ACT (GOVERNED BY THE NLRB) , AND THE PUBLIC EMPLOYEES' FAIR EMPLOYMENT ACT (GOVERNED BY PERB), UNIONS HAVE A RIGHT TO INFORMATION FROM THE EMPLOYER IF IT IS NEEDED TO ENFORCE THE CONTRACT AND DEFEND THE MEMBERS.**

RESEARCH

ENTITLED TO

ACCIDENT REPORTS
ATTENDANCE RECORDS
BARGAINING NOTES
BARGAINING AGREEMENTS
COMPANY/EMPLOYER POLICIES
SUBCONTRACTORS

ENTITLED TO

HEALTH INSURANCE PLANS
DENTAL INSURANCE PLANS
EVALUATIONS
PENSION COSTS
SALARY SCHEDULES
JOB DESCRIPTIONS

COMMON CSEA REQUESTS

**LAST 3 YEARS BUDGET AND MOST RECENT
PROPOSED BUDGET**
LAST 3 YEARS AUDITED FINANCIAL REPORTS
**LAST 3 YEARS AND CURRENT BOND
PROSPECTUS**
ATTORNEY FEES FOR THE LAST 3 YEARS
**LIST OF ALL DUES PAYING AND NON DUES
PAYING MEMBERS**

MAPPING

1. SMART(ER) planning (Specific, Measurable, Attainable, Realistic, (Evaluate, Review)

- Get calendar out set deadlines and plan backwards to give time you need

2. Read your contract

- Alone and in group discussions

- Make sure to read key clauses and check dates

- Recognition
 - Duration clause
- Negotiating unit
 - and dates
- Management & exceptions
 - Reopeners if applicable
- Management rights
 - Grievance/Discipline/Time and Steps
- Dues deductions
 - Pay/Benefits
- Types of Time off

- Seniority
- Layoff/Recall

3. Compare with other contracts (older and different unions-go on line to PERB if needed)

- See what was won or lost or if language is tighter or looser
 - Shall, may, regular, reasonable – What do these terms mean, do negotiating notes back up your understanding

4. Mapping coworkers

- Titles, Work locations, Shifts

(how many and start/end times),

Full timers/Part timers/Seasonal

5. Survey members

- Mailer, flyer, email, worksite, phone calls





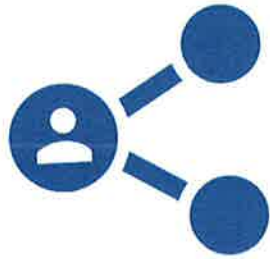
COMMUNICATIONS

- INTERNAL
- EXTERNAL
- SOCIAL MEDIA
- BLACKOUT

INTERNAL COMMUNICATIONS

HOW WILL YOU COMMUNICATE WITH YOUR TEAM?

- FACE TO FACE
- TEXT
- EMAIL
- ZOOM



Find us on:
facebook®

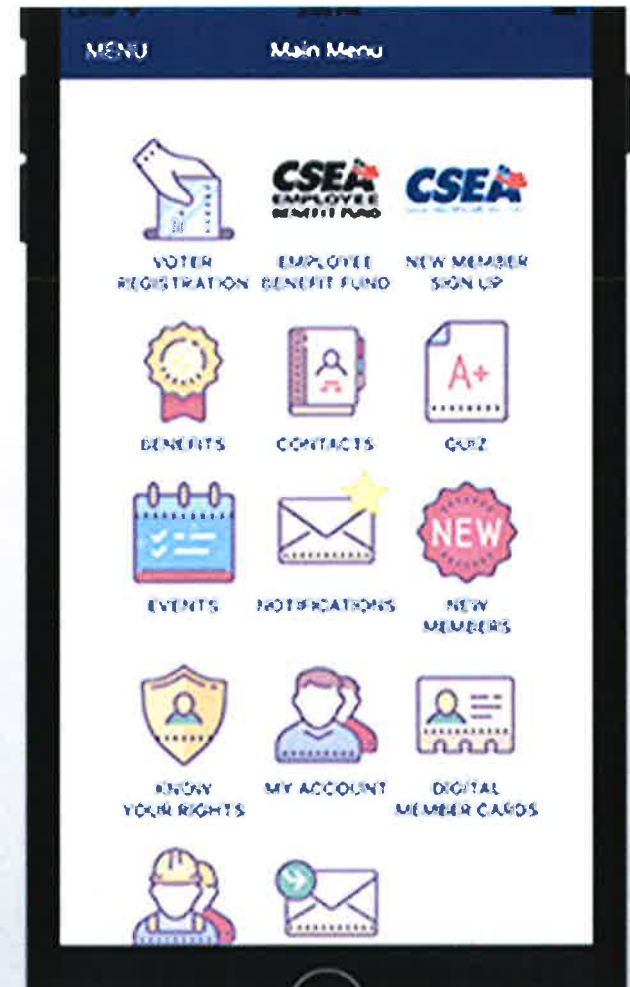
EXTERNAL

HOW WILL YOU COMMUNICATE WITH YOUR MEMBERS?



DOWNLOAD MY CSEA APP

- SHOWS DIGITAL MEMBERSHIP CARD
- LOOK UP YOUR UNION OFFICERS AND CONTACT INFO
- LOOK UP UNION EVENTS IN YOUR LOCAL OR UNIT
- *****RECEIVE NOTIFICATIONS FROM YOUR UNION*****





SOCIAL MEDIA

POSITIVE OR
NEGATIVE



information
sharing



HOW MUCH INFORMATION SHOULD YOU GIVE ?



BLACKOUTS

CSEA POLICY

AS HAS BEEN THE PRACTICE FOR A NUMBER OF YEARS, CSEA REFUSES TO "BLACKOUT" MEMBERS FROM INFORMATION REGARDING NEGOTIATIONS. THIS IS CSEA POLICY. WE MUST BE FREE TO COMMUNICATE ABOUT BARGAINING SESSIONS WITH CSEA MEMBERSHIP DURING THE COURSE OF NEGOTIATIONS TO ENSURE MEMBERS REMAIN COMMITTED TO THE PROCESS, SUPPORT THE NEGOTIATING TEAM AND ULTIMATELY HAVE A SUCCESSFUL RATIFICATION. "BLACKOUTS" HAVE PROVEN TO HAVE AN ADVERSE IMPACT ON A POSITIVE CONCLUSION OF NEGOTIATIONS.

CSEA POLICY CONT'D

“.....ACCORDINGLY, IT IS CSEA POLICY THAT A COMMUNICATION PLAN TO INFORM RANK AND FILE MEMBERS ABOUT THE STATUS OF BARGAINING WILL BE PART OF EVERY LOCAL GOVERNMENT AND PRIVATE SECTOR NEGOTIATING STRATEGY.”



ASPECTS OF THE BARGAINING PROCESS

AT THE TABLE AND BEYOND



BARGAINING

- **GROUND RULES**
- **COSTING**
- **RATIFICATION (ELECTION BUDDY/DRIVE THRU/MAIL IN)**
- **NON AGREEMENT**
- **MISCELLANEOUS**



PREPARED TO BEGIN NEGOTIATIONS?

DEAR MR. YAHELP,

PLEASE BE ADVISED BY THIS CORRESPONDENCE, CSEA IS PREPARED TO BEGIN CONTRACT NEGOTIATIONS FOR OUR MEMBERS IN THE POOR PUBLIC SCHOOL DISTRICT FOR THE NON -INSTRUCTIONAL PERSONNEL UNIT. PLEASE PROVIDE A FEW DATES AND TIMES REFLECTING YOUR OCTOBER AVAILABILITY.



GROUND RULES

WHAT ARE GROUND RULES?

DO THEY WORK?

MANDATORY OR NON MANDATORY?

MFC4

COSTING OUT THE CONTRACT

- HOW MUCH DOES THE EMPLOYER HAVE ?
- HOW MUCH DO YOUR PROPOSALS COST ?
- NOW VS FUTURE ?
- BE REALISTIC



RATIFICATION PROCESS

THE NEGOTIATING TEAMS OBLIGATION TO SUPPORT ITS TENTATIVE AGREEMENT WITH THE EMPLOYER

- **“IF AGREEMENTS REACHED BY NEGOTIATING COMMITTEES ARE SUBJECT TO RATIFICATION, THE NEGOTIATORS HAVE AN OBLIGATION TO RECOMMEND AGREEMENT TO THEIR CONSTITUENCIES. THIS OBLIGATION EXTENDS TO EVERY MEMBER OF THE NEGOTIATING TEAM AND TO EVERY PART OF AN AGREEMENT UNLESS THE OTHER PARTY HAS BEEN ADVISED THAT THE MEMBER HAS DISSENTED FROM THAT PART OF THE AGREEMENT. THE FAILURE OF THE NEGOTIATORS TO RECOMMEND RATIFICATION MAY RESULT IN PERB ORDERING THE PARTY TO EXECUTE THE CONTRACT, EVEN IF ITS CONSTITUENCY FAILS TO VOTE TO RATIFY.”**

——EXCERPT FROM PUBLIC SECTOR LABOR AND
EMPLOYMENT LAW, 2ND EDITION (1998)(CITATION)

RATIFICATION PROCESS

- IN ORDER TO MAINTAIN THE HIGH STANDARD OF DEMOCRACY AND MEMBER PARTICIPATION THAT EXISTS WITHIN CSEA, ALL NEGOTIATED AGREEMENTS FOR NEW AND SUCCESSOR CONTRACTS REQUIRE RATIFICATION BY CSEA MEMBERS IN GOOD STANDING.
- RATIFICATION IS AN INTERNAL UNION REQUIREMENT NECESSARY FOR ANY AGREEMENT TO BE BINDING ON CSEA AND MUST INCLUDE THE SIGNATURE OF THE APPROPRIATE LABOR RELATIONS SPECIALIST.

VOTE

RATIFICATION



Election buddy

Drive thru

Mail in

CONTRACT RATIFICATION COMPLAINT PROCEDURE

Who: Director of field operations

What: Alleged violation inc. date, time, persons, involved, circumstances alleged

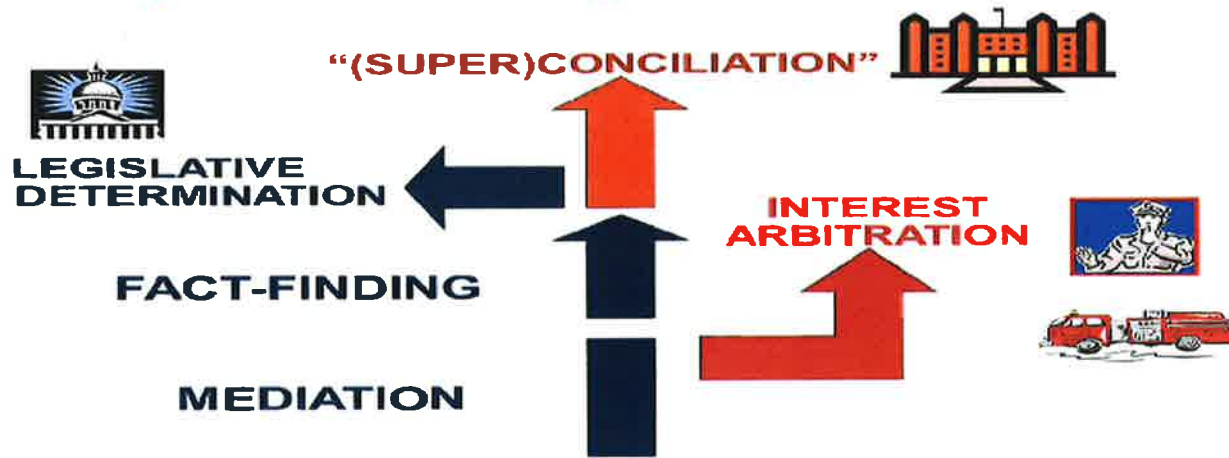
When: Within 10 working days of ballot count

Where: In writing CSEA 143 Washington ave Albany NY 12210

Why: Possibility of ratification re-run

NON AGREEMENT (IMPASSE)

Taylor Law Impasse Procedure(s)



MISCELLANEOUS

Utilizing political action coordinator

Utilizing communications specialist

Utilizing health benefits departments

**Informational meetings/demonstrations to
force management back to table**

Membership involvement is key



**WHAT ARE
YOUR
EXPERIENCES**

