



SOME DO'S AND DON'TS FOR NEGOTIATING SALARY GUIDES

Many boards have been successful in achieving improvements in their salary guides at the bargaining table. Some changes that have been negotiated include the elimination of balloon increments; increases in the size of very small increments; more equitable distribution of increases to all staff in the unit; reduction in the cost of increments; and reduction of differentials and/or elimination of columns.

One may question how boards were able to achieve the restructuring of their salary guides to accomplish such goals. The answer is: through an analysis and understanding of their guides, commitment to making changes and skillful negotiations. This column will provide some helpful “Do’s” and “Don’ts” for boards to negotiate improvements in their salary guides to meet district needs.

DO Establish Salary Guide Goals It is critical that boards’ preparation for bargaining include an analysis of the salary guide. Does the guide contain balloons (i.e., inordinately large increments)? Has distribution of money on the guide resulted in some staff receiving extremely large increases at the expense of other staff? Does the guide support the board’s ability to attract and retain high quality staff? Does the guide reflect the board’s attitude concerning encouraging increased academic preparation?

Based on its analysis, the board should establish salary guide goals. The goals may be rather general, such as ensuring equitable distribution of the increase and avoiding balloons and aberrations. Or the goals may be much more specific, such as eliminating a balloon, boosting minimums or restructuring the guide to encourage teachers to pursue or not to pursue advanced degrees.

DO Determine Board Commitment Once the board has identified salary guide concerns that need to be addressed in the next round of bargaining, it must determine how committed it is to obtaining its goals. Restructuring the salary guide can be hard work both in terms of constructing a guide that addresses the parties’ needs and concerns, and in terms of negotiating the board’s desired changes.

Usually, distribution of money on the salary guide is determined after the parties have reached a tentative agreement on the terms and conditions of the contract, including the overall salary settlement rate. By that time, the parties are frequently weary of the bargaining process and would like to see the final details wrapped up as expe-

ditiously as possible. Thus, some boards may be inclined to accept whatever guides the union proposes as long as costs are within the negotiated amount.

Boards must determine their level of commitment to improving the salary guide. If a board recognizes that it should be seeking major changes to the structure of the guide, it must have the commitment and fortitude to press forward with its goals. If a board does not have the necessary stamina or the “stomach” for further difficult or protracted negotiations, then it should recognize that improvements to the guide are not likely and that it may need to scale back its expectations for change in this round of bargaining. Of course, what this means is that the salary guide problems will likely be further exacerbated by the next round of bargaining and that the board is simply postponing a difficult task.

DO Raise the Board’s Concerns Early and Often Once a board has established its salary guide concerns and goals and is committed to obtaining improvements in the guide, it must communicate its concerns to the union. Boards should not wait until negotiations are concluded to indicate that they have concerns or that they will be seeking to negotiate changes to the guide structure. From the beginning of negotiations, the board should clearly identify its salary guide concerns and should reiterate these concerns (not the solutions, just the concerns) throughout bargaining. If the board does not clearly express its intention to participate in developing successor guides until after a tentative agreement is reached, the union may be surprised and, consequently, may be much more resistant to the board’s desired changes.

DON’T Propose Specific Solutions During Negotiations While boards should express their salary guide concerns throughout the entire bargaining process, they should not seek union agreement to specific salary guide solutions until the parties have reached an agreement on the settlement rate and therefore know how much money is available. They are then ready to exchange salary guide proposals and negotiate over successor guides. For example, boards can express their intention to address the balloon problem, but they should be wary of bringing a proposal that states a solution to that problem.

Case in point: As part of its initial packet of proposals, a board indicated the desire to add a step to the guide. The

addition of a new step was hotly debated throughout bargaining and, under the pressure to reach a tentative agreement, the board allowed the issue to be dropped. Later, when the parties began the process of negotiating over a successor guide, the board felt precluded from resurrecting the dropped proposal; thus, it did not have the necessary tools that were needed to address its salary guide goals. A better approach would have been to state and reiterate the balloon concern throughout negotiations, but to wait until the parties were negotiating over successor guides before proposing specific solutions and approaches.

DON'T Agree to Structural Features of a Future Guide This “don’t” is closely related to the previous one. A common pitfall in negotiating salary guides is agreement to specific features of the successor guide (e.g., certain number of steps, full increase at maximum, equal dollar distribution) before guides are prepared and proposed.

Case in point: A board verbally agreed during negotiations not to lengthen the guide (i.e., not to add or insert any steps). When it came time to prepare salary guide proposals, the board realized that it had a balloon problem that could only be addressed by inserting steps to break the balloon. Yet, it had prematurely agreed not to do so. In another district, the parties’ tentative agreement indicated that the salary increase would be distributed on an equal percentage basis. The effect of that agreement was to hamper the board’s ability to address concerns it had about the guide structure (e.g., reducing large increments and the cost of increment).

In fact, some boards have agreed to parameters for the salary guide that are internally inconsistent, that is, all of the parameters could not be accomplished together. Take, for example, a tentative agreement that indicates that there will be normal incremental advancement (one step per year), no additional steps and an equal increase for all employees, including those at maximum. That combination of factors is not possible since people moving to maximum and people at maximum could not receive the same increase without the addition of a new step.

Boards should resist agreeing to specific features of a successor guide or to a specific distribution of the salary increase until they are ready to agree to the guide itself. Otherwise, they will find that important and necessary tools for restructuring their guides are not available, and they will have tied their hands in obtaining needed changes.

DON'T Present Your Bottom Line Proposal First

This caveat is actually true for practically all bargaining proposals, but it is especially true for salary guides. One reason to build in room for movement on both the board’s salary guide goals and the union’s goals is that the union chalks up the number of “wins” it achieves on various aspects of guide negotiations. For example, the union leadership may tell the membership that although it did agree to the board’s proposed additional step, it gained a larger increase for people at maximum and it was able to retain normal incremental advancement for those not

at maximum. This may help the union bargaining team “sell” to the membership its agreement to the board’s proposed changes.

When a board proposes its bottom line and leaves no room for the give and take of the bargaining process, it ignores an important political reality of bargaining: that the union needs to demonstrate to its members that it fought hard on its salary guide goals, that it extracted some concessions from the board, and that it did not give everything that the board was seeking. Ignoring the political realities can create unnecessary obstacles to reaching agreement on a successor guide.

Another practical reason for not presenting the board’s bottom line first is that negotiators never really know how much can be accomplished unless they propose more than their expectations. Proposing one’s bottom line does not allow for greater levels of achievement.

DON'T Assume You Are a Mind Reader One of the biggest pitfalls of salary guide negotiations is boards’ inclination to sell themselves short on what they can negotiate. The reason is that boards frequently assume that they know what is acceptable and what is not acceptable to the union. Sometimes boards assume that the union will find a possible solution (e.g., additional steps, alternative advancement or no advancement on the guide) unacceptable. Based on that assumption, a board may choose not to present that approach or may not actively seek it. In that situation, the board, not the union, is the bigger impediment to addressing the problem in the most effective manner.

Boards should not try to be mind readers in predicting acceptability to the union. Even when boards think they can anticipate the union’s objections based on history and experience, they must keep in mind that things change. Union leaders change, the union membership changes, conditions change, times change, perspectives change. And what may have been totally unacceptable in the last round of bargaining may be grudgingly accepted in this round. Further, that which the union accepts often depends largely on the board’s demonstrated commitment to what it is proposing. A half-hearted attempt to sell a solution will be seen for what it is and likely rejected out of hand.

DON'T Agree to Union Proposals That Exacerbate the Problems

If the board, for whatever reason, decides that this year is not the year to be seeking major changes to the guide structure, it should not agree to a union proposal that aggravates an existing problem. In other words, if the guide contains a \$7,000 balloon, the board should be seeking to reduce that increment; however, if the board decides not to actively seek such a change in this round of bargaining, it should at least not agree to a union guide that increases that balloon to \$9,000. Either way, the balloon problem will have to be dealt with in the future; but, the board should not allow the problem to be intensified or worsened so that a future board has a far greater problem to overcome.

One Final “Do” The above list of do’s and don’ts is an

abbreviated list which identifies some very common pitfalls of effectively addressing salary guide problems. The list is by no means exhaustive. The topic of salary guides is quite complex, and there is no universal approach that will address every district's concerns. So the final "do" for boards is this: Do utilize the various resources that you have available to you so your board can address its district's current concerns and prevent future problems.

While some boards have in-district expertise and resources they can use, many do not. Thus, outside resources should also be tapped. Some professional negotiators are experienced in the area of salary guide construction, although some are not. In addition, NJSBA has published a series of articles on salary guides that can

be found in *The Negotiations Advisor*. The Association also offers an all day training program on salary guides. In addition, labor relations staff can help districts analyze their salary guides and identify problems, concerns and possible approaches. Districts' interests would be well-served if boards take the time to obtain the necessary information and expertise in this critically important area. Upon request by a local district, the NJSBA will provide cost and structural analyses of a district's expiring salary guide plus analyses of one proposal, telephone advice, as well as an in-district consultation, if desired, as dues based services. Guide construction and counterproposals are available as fee based services as is at the table representation for negotiating guides.