



THE RITUALS OF BARGAINING

As the negotiations process begins to get under way, let's pause and reflect upon those predictable aspects of each new bargaining season. These predictable aspects may appear quite familiar by now, because they probably have been seen, to some large degree, in all previous negotiations. They are so familiar that they have become rituals, which are noteworthy more for their symbolic significance than for their substance.

The Laundry List of Union Demands

Since everybody knows that unions ask for much more than they can ever expect to obtain in bargaining, why, after all these years, can't the parties quickly reduce the number of proposals to a manageable few? There are three major reasons why this does not usually occur until months of bargaining have taken place.

The first reason is the simplest. Union trainers are fond of stating, "you'll never know what you can get unless you ask for everything." To test this adage, teacher unions submit for consideration a lengthy list of proposals.

The second reason is this: the laundry list of union demands is really a composite of the special interests of individual employees (e.g., negotiating team members and union officials); classes of employees (such as coaches and high school teachers); and the national, state, and county organizations (which may push for agency shop and double digit salary increases). Personal, political and organizational concerns require that these issues be negotiated, so that all the varying and often competing elements of the bargaining unit believe that their interests are being protected. It is not critical to the union that all these concerns be satisfied; it is often enough that they can prove these special interests have simply been represented through negotiations over a certain proposal.

Finally, the more initial proposals submitted, the greater the opportunity the union has "to make concessions" by way of modifying or withdrawing many of its initial demands. It is common for a union to note its desire for settlement in May or June by pointing to its substantial modification or withdrawal of demands that it never expected to get in the first place. By showing that it has changed or dropped many of its earlier demands, the union seeks to convince the board that it is being more conciliatory. In fact, the union is giving up nothing that it ever had or ever expected to get.

The Cost of the Total Union Package

It is well worth the time to cost out all initial union demands as to their potential financial and administrative implications. The economic cost of union proposals is relatively easy to calculate. (See NJSBA's publication *Costing Out the Labor Agreement*.) The administrative cost may be more difficult to calculate, but is still essential to assess because agreement on certain evaluation procedures, for example, could complicate the job of school building administrators in their staff evaluation efforts.

The total cost of the union's initial economic demands will likely "boggle the mind." When you combine the cost of demands for a twenty percent salary increase, an improved dental plan, a new prescription drug plan, payment for accumulated sick leave, and increases in preparation time coverage payments and tuition reimbursement allowances, you will find that the total cost of the union economic package could be over forty or fifty percent of the existing salary base.

Although these figures should concern you, they should not surprise you. What might be surprising is that the union probably has no idea of what the cost of its initial package is. After all, the board, not the union, bears the responsibility for finding the money to pay for it.

The Importance of Each and Every Issue

One of the reasons why the bargaining process takes six months or longer is that it takes time for the union to whittle down its long list of demands to a serious few. During the first few bargaining sessions, the union will likely emphasize that each and every one of its demands is equally important, and that no settlement will be forthcoming unless all demands are agreed to. Of course, this is mere window dressing for the more serious bargaining that will come later.

The board must take steps to determine what is or is not really important to the union. Force the union to justify each demand by a series of questions, thus keeping the burden of proof on the need for a change upon the union negotiators. Don't be too concerned about the union's alleged commitment to all of its proposals. Time has a way of imposing pressure on the union to be more realistic in connection with the number of proposals to which it is truly committed.

Dredging Up Old Union Demands

It is familiar to see many of the same union demands reappear during each new round of bargaining. Their reappearance is due to the board's persistent refusal to agree to them. The union negotiator will frequently say in connection with these now familiar demands that the union has conceded too often on this issue and on others like them: "This is the year we intend to finally get board agreement"; or "No more stalling, we've conceded on these issues for too long, and we need them now more than ever before."

It is difficult to determine how much added importance any of these demands have assumed. Time will tell how long the union is willing to hold out for them. However, it could be as much face-saving as it is real desire to obtain agreement on these demands that led the union to bring them to the table again. Or perhaps the union believes that the current board may be more sympathetic than previous boards to these demands.

Another aspect of this ritual has to do with the sheer number of union proposals that are withdrawn in each round of negotiations. Taken together, removing these proposals could be viewed as a major union concession. More realistically, however, most are not concessions but mere "throwaways" to show evidence, though not much substance, of union movement.

The "This Year is Different" Argument

Somehow all new negotiations assume an air of special importance. Board negotiators often hear proclamations from their union counterparts that "this year is different." "No longer," the union representative asserts, "will we sit by and allow the Board to dictate the terms of our next contract. We're tired of always being treated like second-class citizens, tired of living on subsistence wages."

This predictable rhetoric is often heard during the early stages of bargaining, and it centers on the issue of this year as "The Year of Change." The union's statements should not be completely disregarded because they may reflect some serious concerns about certain areas of the negotiated agreement. But since we know that nearly all teacher-board negotiations begin with that same opening speech, we are right to be skeptical of its real importance in any particular district.

The Litany of Horror Stories About the Alleged Incompetence of the Board and the Administration

Negotiations presents an open opportunity for some unions to engage in splenetic criticisms of both the board and the school administration. Somehow it is thought that belittling board members and school administrators increases chances of obtaining board agreement on the union's proposals. But the more common motive is different.

Negotiations offers the union the chance to say just about anything it wants. The veracity of the statements made by the union may be suspect, but what is really important is that these statements are made as much for the union negotiator's sake as for the people at whom they are directed. They are less intended to convince the board to accept a proposal than to convince the union team members of the toughness of their spokesperson.

An error committed or alleged to have been committed in a single circumstance should not force a board to compromise on a related bargaining position, nor should a board be apologetic at the table for making an error. Although we recognize the fact that errors are made, more often than not, errors alleged to have been made represent nothing more than the union's disagreement with the contract or with board actions.

The Philosophical Discourses

There is a tendency, particularly during the early bargaining sessions, for teacher negotiators to engage in long-winded speeches about the state of education in the district. These "philosophical discourses" are often designed to convey to the administration the concern that teachers have about the quality of education. They should not always be dismissed as mere grandstanding by the union because, in some cases, they represent strongly held views about the way in which the district is being run. In other cases, however, they are nothing more than a rhetorical exercise by means of which the union attempts to criticize the board and the administration.

Take for example the matter of class size, a non-negotiable subject in this state. The board might indicate that if it were to agree to an exorbitant pay increase, it would have to increase class size. The prospect of increased class size, regardless of cause, almost instantaneously unleashes a barrage of rhetoric, the essence of which is that increased class size is inimical to quality education, runs contrary to the philosophy of the district, and violates the spirit of a thorough and efficient education. The union proposal which would give rise to the probability of increased class size is no longer the focus. Instead, the issue has become the board's intention to increase class size.

Be prepared for occasional, and sometimes frequent, philosophical outbursts. They are good drama, and negotiations often need an entertainment break. But remember that the subject that really needs discussion is the union demand that is too costly to be accepted. Don't be distracted by the "entertainment" from the real business at hand.

Summary

A recognition of bargaining rituals helps to put early bargaining sessions in better perspective. Board negotiators thus can more easily deal with predictable union behavior both in terms of the substance of the union demands as well as their own reaction to them.