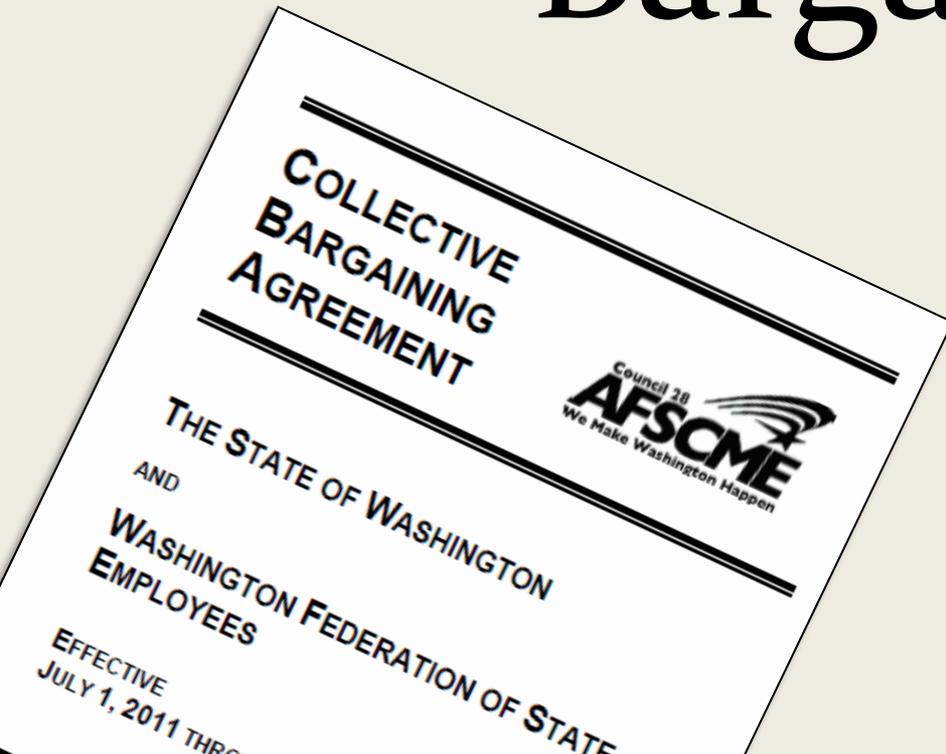


A “Taste” of Collective Bargaining

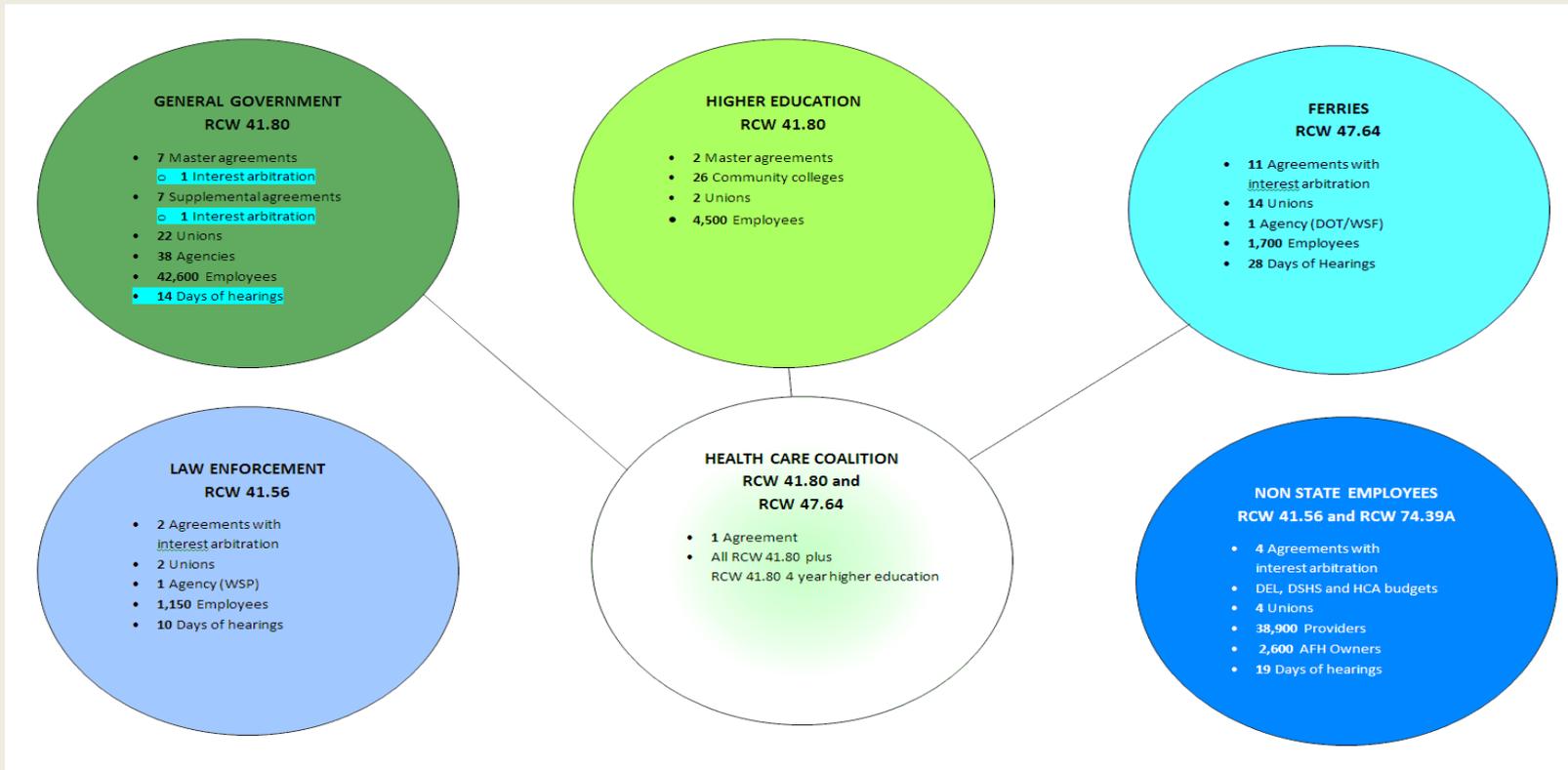


State Human Resources
November, 2014

Outline

- Parties to the bargaining process.
- Laws and rules related to bargaining.
- Bargaining timelines.
- Funding process.
- Case study on mid-term bargaining

Bargaining Universe



Collective Bargaining Defined

Defined in statute as follows:

- Meet at reasonable times;
- Bargain *in good faith*; and
- Reach agreement with respect to mandatory subjects of bargaining.

However, parties are not compelled to agree to a proposal or make a concession.

Good Faith Bargaining

Good Faith Bargaining includes:

- A mutual obligation to meet at reasonable times and bargain mandatory subjects.
- Full and frank discussions and the sincere exploration of alternatives, with the intent to settle differences and arrive at an agreement if possible.
- The duty to provide information to the other party.
- Both parties are expected to approach negotiations with an open mind and make reasonable efforts to reach a common ground of agreement.

Bad Faith Bargaining

Bad Faith Bargaining includes:

- Regressive bargaining.
- Premature declaration of impasse.
- Failure to provide information.
- Bypassing or direct dealing (management talking directly with bargaining unit employees).
- Delaying.
- Unilateral implementation.

Three Subjects of Bargaining

Mandatory

- Issues dealing with wages, hours, and other terms and conditions of employment.

Permissive

- Permissive subjects of bargaining are union and management prerogatives, over which the parties may negotiate, but each party is free to bargain or not to bargain.

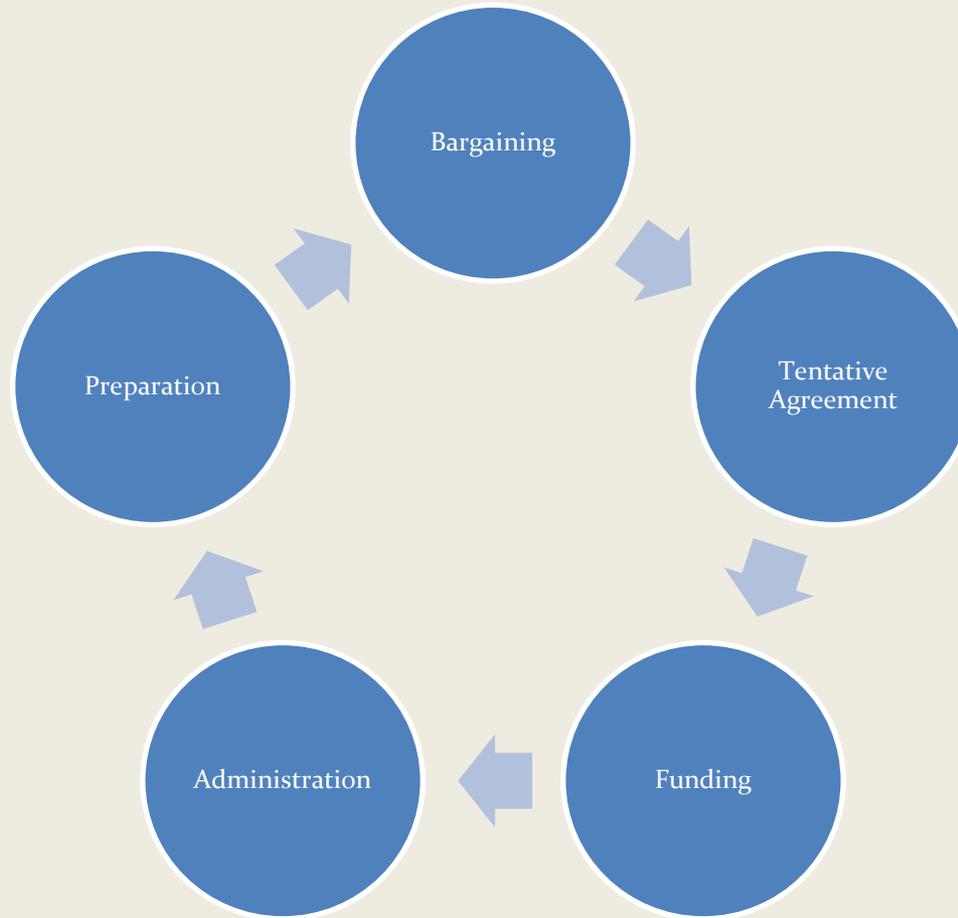
Illegal

- Issues which the parties are precluded from bargaining over. For example, clauses which result in unlawful discrimination or in conflict with applicable law.

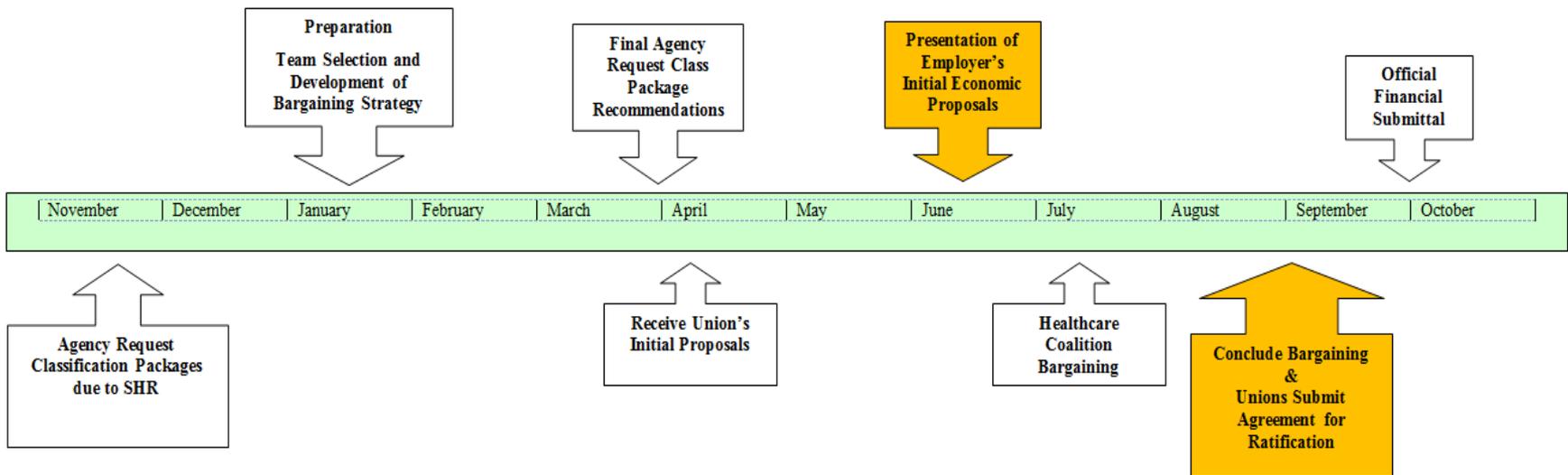
Impasse Process and Procedures

- Mediation and Fact finding
 - Mediation
 - Fact finding
 - Publication of findings
 - Implementation
- Interest arbitration
 - Mediation
 - Certification of issues
 - Arbitration
- Strike

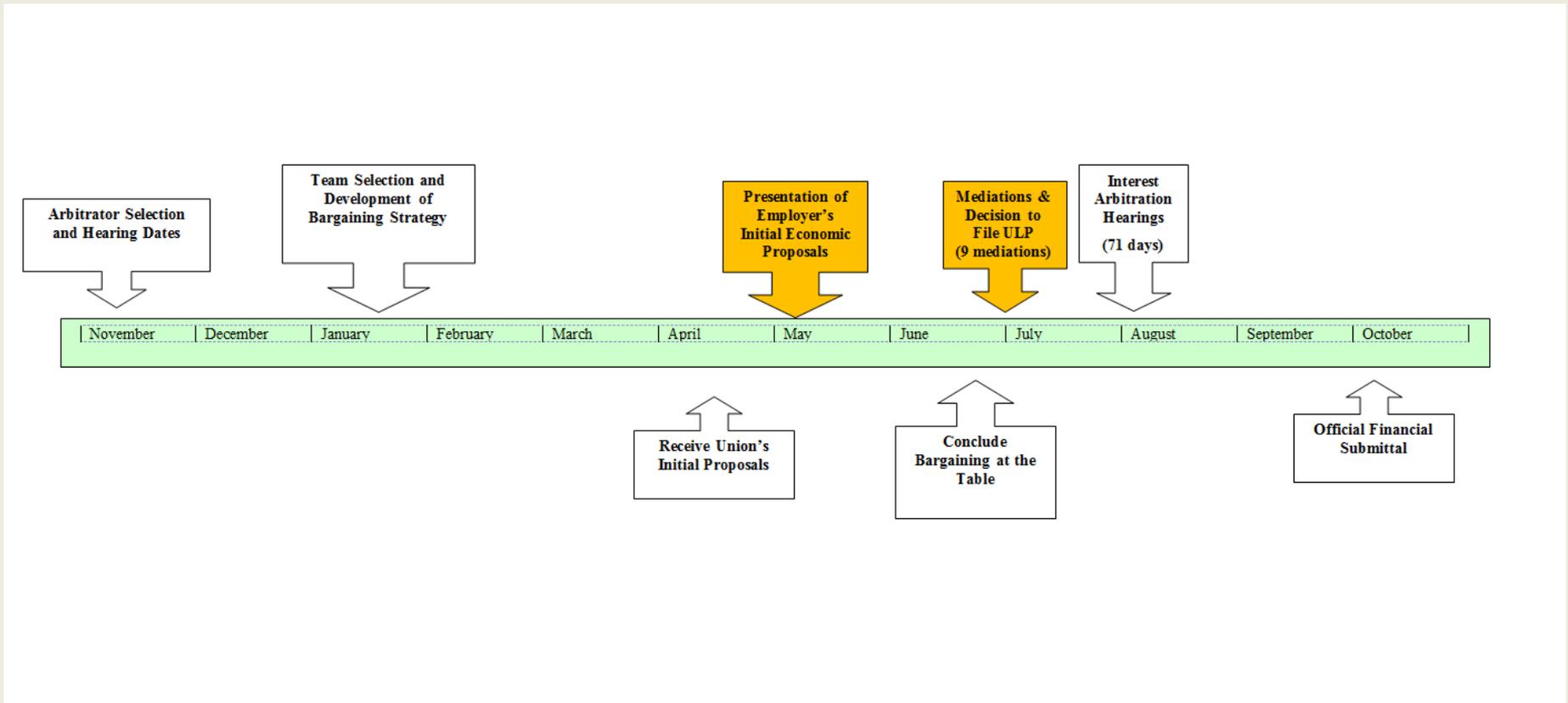
Bargaining Lifecycle



General Government and Higher Education Bargaining Timeline



Interest Arbitration Bargaining Timeline



CBA Funding Process





A Case Study: Custody Uniforms at DOC

House Bill 2346

- “Under no circumstance shall offenders under the custody of the department of corrections make or assemble uniforms to be worn by correctional officers employed with the department.”
- Effective date 6/7/2012

Existing custody uniform language

- Three (3) BDU style pants;
- Three (3) BDU style two pocket long sleeve shirts.
- Three (3) BDU style two pocket short sleeved shirts, and as necessary;
- Safety, cold and/or foul weather apparel, including jackets and hats.

DOC Planning

- Can we do a stipend?
- Do we create an RFP? Is there time?
- How much money do we have to do this?
- What if we changed how the uniforms looked?
 - A consistent, professional look is important.
- How do we roll out new uniforms to approximately 4000 employees?
- Dwindling supplies vs. complying with HB 2346

Union Planning

- Professional appearance = respect.
- Quality of fabric
- Pocket and button placement
- Stitching (single vs. double)
- Color – get rid of the light blue.
- Funding

Negotiations

- Eight (8) negotiation sessions between the parties from May through December 2012.
- Agreement reached on the physical appearance and quantity of each clothing article from the uniform list.
- Agreement reached to change the color of the uniform.
New color – navy blue.

New Uniform language

- Four (4) BDU style pants;
- Four (4) BDU style shirts – any combination of long or short sleeve shirts the employee elects; and as necessary,
- Safety, cold and/or foul weather apparel including jackets and hats.

Agreement reached on the roll-out schedule

TENTATIVE ROLLOUT SCHEDULE				
START DATE	FACILITY	TASK	DESCRIPTION	STATUS
February 16, 2013	WSP	DISTRIBUTE	UNIFORMS	COMPLETE
April, 2013	LCC	DISTRIBUTE	JACKETS	COMPLETE
April, 2013	MCC	DISTRIBUTE	JACKETS	COMPLETE
May 14, 2013	MCCCW	DISTRIBUTE	UNIFORMS	COMPLETE
June 25-26, 2013	WCCW	DISTRIBUTE	UNIFORMS	COMPLETE
July 30, 2013	WCC	DISTRIBUTE	JACKETS	IN PROGRESS
August 1, 2013	CCCC	DISTRIBUTE	JACKETS	SCHEDULE
August 2, 2013	AHCC	PRESIZING	UNIFORMS	SCHEDULE
August 6-8, 2013	SCCC	DISTRIBUTE	UNIFORMS	SCHEDULE
August 12, 2013	OCC	DISTRIBUTE	UNIFORMS	SCHEDULE
August 13, 2013	CBCC	DISTRIBUTE	UNIFORMS	SCHEDULE
August 16, 2013	CRCC	PRESIZING	JACKETS	SCHEDULE
September, 2013	MCC	PRESIZING	UNIFORMS	SCHEDULE
September, 2013	WSP	PRESIZING	JACKETS	SCHEDULE
October, 2013	WCC	PRESIZING	UNIFORMS	SCHEDULE
October, 2013	WCCW	PRESIZING	JACKETS	SCHEDULE
October, 2013	MCCCW	PRESIZING	JACKETS	SCHEDULE
November, 2013	CCCC	PRESIZING	UNIFORMS	SCHEDULE
November, 2013	CBCC	PRESIZING	JACKETS	SCHEDULE
November, 2013	SCCC	PRESIZING	JACKETS	SCHEDULE
December, 2013	LCC	PRESIZING	UNIFORMS	SCHEDULE
December, 2013	AHCC	PRESIZING	JACKETS	SCHEDULE
December, 2013	OCC	PRESIZING	JACKETS	SCHEDULE
January, 2014	CRCC	PRESIZING	UNIFORMS	SCHEDULE

Negotiations Conclude

- Roll out begins in February 2013
- We implemented the final agreement.
- We were done.....or so we thought.

Polo Shirts



October 2013

- Demand to bargain from the union.
 - DOC has a past practice of allowing some employees who work in the Intensive Management Unit (IMU) to purchase and wear polo shirts.
 - You cannot unilaterally change this practice.
 - If you want to stop this practice, you should have told us during bargaining.
 - We need to negotiate a resolution.

October 2013

- DOC response:
- DOC didn't know they had a past practice of allowing polo shirts in the IMU.
- DOC's perspective was all employees will wear the agreed upon uniform.
- If you wanted this practice to continue, you should have told us.

We Returned to the Table

- Ten months after our agreement.
- Discussions were tense.
 - Both sides were entrenched in their position.
 - Both sides felt as though they had been “had”.
 - Union: shame on you DOC for not bringing this forward during negotiations.
 - DOC: shame on you Teamsters for not bringing this forward during negotiations.

Mediation

We had little hope of a resolution:

- Both sides considered this issue to be like a light switch.
- Either you could wear polo shirts, or you couldn't.

Interests

- DOC's interest was uniformity. All employees wearing the same uniform in the institution.
- The union's interest was employees having input into this decision. Throughout negotiations, they were in touch with their membership during each decision point.
- The mediator's interest was an agreement.

Final, final agreement

- The Teamsters would conduct a vote, unit by unit of all employees assigned to the IMU at each institution.
- The vote would be final. Either everyone wears the polo, or no one wears a polo.
- The polo, if voted in, would be purchased by the employee.
- However the vote turned out, the parties would abide by the results.

Results

- CBCC, MCC, SCCC, WCC, and WSP voted for the employee purchasing the polo shirt and having that be their standard uniform.
- AHCC voted for the employer provided uniform (BDU style uniform).

Conclusion

- Changes to uniform was a result of new legislation.
- DOC did not, and, could not make a unilateral decision.
- It didn't turn out how we planned.