

Audio Script: Bargaining 100

Introduction to Bargaining

Welcome to Bargaining 100

This course should take you about 45 minutes to complete.

It is one of the required courses for the Certificate of Completion in the Bargaining track. It is a prerequisite for all of the Bargaining track courses.

The sections in this course are:

- The Structure of Local 1000
- Contract Bargaining, and
- The Legal Requirements of Bargaining

Section 1: The Structure of Local 1000

Overview

SEIU Local 1000 represents over 93,000 California state employees. These represented employees are grouped into bargaining units according to their job classification.

The bargaining units were established by the State of California's Public Employment Relations Board or PERB. PERB determines the bargaining unit for each job classification.

PERB was established by the Dills Act to manage and administer the bargaining units. This includes creating new bargaining units, deciding which job classifications will be in each bargaining unit, and any other changes to be made to the bargaining units.

For example: if the state wants to move a job classification from one bargaining unit to another, PERB must approve that move.

There are 21 bargaining units in state employment and nine of these are represented by Local 1000.

For more information and detail on the structure of Local 1000 see the Leadership Academy course Governance 110.

Two Strands: Governance and Bargaining

The two strands of Local 1000 are local governance and bargaining. The District Labor Councils, or DLCs across the state are the local governing bodies and the Bargaining Unit Negotiating Committees, or BUNCs, do the bargaining and negotiating. Members of the BUNC also sit on the DLC executive board, or e-board.

All state employees represented by Local 1000 belong to both a DLC and a bargaining unit. The DLC is determined by the geographic location of the employee and the bargaining unit is determined by their job classification.

Stewards connect bargaining and governance by communicating with members and staff of Local 1000.

Units

The nine bargaining units represented by Local 1000 are:

Unit 1: Professional Administrative, Financial and Staff Services. This is the largest bargaining unit.

Unit 3: Professional Educators and Librarians

Unit 4: Office and Allied Workers

Unit 11: Engineering and Scientific Technicians

Unit 14: Printing Trades

Unit 15: Allied Services Workers

Unit 17: Registered Nurses

Unit 20: Medical and Social Services Specialists, and

Unit 21: Educational Consultants and Librarians

Members in a DLC may not come from all nine bargaining units. For example, DLC 761, has members in only four units: Units 1, 4, 14, and 15.

Members from each bargaining unit in the DLC elect representatives who negotiate contracts for them – DBURs for all nine represented units, and additional CBURs in Unit 1. While DBURs are part of the DLC structure, CBURs are not. We will go into more detail on this later in the course.

For more information see the Leadership Academy course Bargaining 110: The Roles of the DBUR and CBUR.

Bargaining Unit Representatives

DBUR stands for District Bargaining Unit Representative.

Local 1000 members in each bargaining unit in any DLC elect DBURs. These elected representatives then select the Bargaining Unit Negotiating Committee, the BUNC, to represent all members in face-to-face bargaining with the state. The BUNC represents the members, their concerns and their priorities.

CBUR stands for Classification Bargaining Unit Representative.

Unit 1, the largest bargaining unit in Local 1000, is the only unit with CBURs in addition to their DBURs. Unit 1 is divided into six groups - Administrative & Analytical, Finance, Employment & Health Services, Information Technology,

Environmental & Consumer Protection, and Communications & Research.

Each Unit 1 group elects its own CBURs to focus on its issues.

Statewide Bargaining Advisory Committee

Each bargaining unit has its own Statewide Bargaining Advisory Committee, or SBAC. These SBACs are composed of DBURs and, in Unit 1, CBURs also.

Each unit's SBAC is responsible for several bargaining tasks...the first of which is to identify contract priorities. These are the top items for the bargaining of any new contract with the state.

SBAC members also support any bargaining campaigns that occur during contract negotiations and actively work to move the union's programs in their DLC. SBAC members help implement the new contract after it has been ratified.

Each unit's SBAC members also serve on 'meet and confer' committees and communicate the progress of bargaining to their members.

All nine SBACs come together to make up the Joint SBAC.

Bargaining Unit Negotiating Committee

Each unit's SBAC also elects their Bargaining Unit Negotiating Committee, or BUNC, and its officers. The BUNC officers are the chair, vice-chair and alternate vice-chair.

The role of the chair is especially important as he or she leads the team and delegates important bargaining responsibilities to each BUNC member.

As was mentioned earlier, since there is one BUNC per bargaining unit, there are nine BUNCs.

The unit BUNC does the direct bargaining at the table with the state, negotiating specifically for its bargaining unit.

Section 1 Review

SEIU Local 1000 represents how many bargaining units?

- a) Five
- b) *Nine*
- c) Sixteen

This answer is B - SEIU Local 1000 represents 9 out of the 21 bargaining units in California.

What are the two central strands of representation for Local 1000 members?

- a) DLCs and Bargaining Units
- b) *SBAC and the DLC*
- c) DBURs and CBURs

The answer is B - the SBAC and DLC officers are the two governing bodies for Local 1000.

The SBAC is made up of:

- a) DLCs and Bargaining Units
- b) DLC officers
- c) *DBURs and CBURs*

The answer is C - the SBAC is composed of the DBURs and CBURs that represent all of the units in a given DLC.

Section 2: Contract Bargaining

Overview

The Dills Act gave public employees the right to collectively bargain their hours, wages and working conditions. The act of bargaining is the process by which those terms and conditions are proposed, negotiated and established. Members and staff from Local 1000 sit down with representatives of the governor from the Department of Personnel Administration as well as the individual departments to discuss or 'bargain' the details of those wages, hours and working conditions.

The union's goal in bargaining is to come to an agreement on improved terms and conditions on the job through a negotiated contract. We use contract negotiations to protect and improve upon our terms and conditions of employment.

Of utmost importance is member involvement in the process of supporting the bargaining team as they negotiate the contract. The organized power of the employees is what will create change in the workplace. Involving our members reminds them that bargaining is *by* them not just *for* them, and it gives them a wider understanding of what kind of power they really do have at work.

Bargaining Gives us Power

Members gain power by working together and uniting around mutual goals.

That's what Local 1000 does: it is the members' organization and through it members can determine for themselves the best way to improve working conditions and terms of employment. When there is active organizing behind the members' priorities for improvements, we have power.

Steps in the Bargaining Process

There are some basic steps that are part of any bargaining or negotiations process.

These generally include

- Research and analysis of the issue: of the goals of management, the goals of Local 1000 members and strategic planning for the existing situation, both internal and external;
- Shows of strength: Specific tactics to demonstrate support for issues of importance to Local 1000 members;
- Establishing the relationship: As negotiations begin, the bargaining teams from the two sides develop their working relationship and agree on sessions and agendas.

And, finally,

- Escalation: As bargaining proceeds there may be a need for escalation of pressure for our demands - at the bargaining table, at the worksite and in the community.

Research and Analysis

The strategies used and priorities identified during the bargaining process are based on union goals established through meetings and the surveying of members. Phone calls, statewide meetings, leadership conference calls also contribute to that information. These kinds of feedback tell us what really matters to our members. From that information we can decide which direction to take in negotiating the contract.

We also need to have an understanding of management: their goals, their past practices, their unspoken rules, any budget or political constraints and their behaviors, in order to help us frame the individual pieces of the new contract language.

As Local 1000's research department determines the cost of any proposal, they consider the cost to employees, and the cost to the state. They also cost out one or two alternatives that would be more beneficial to employees and may cost less or lower existing costs for the state.

Shows of Strength

We use specific tactics in the workplace and at the bargaining table to demonstrate the level of member support for issues that are important to Local 1000 members.

A worksite action can be a show of strength when it involves a significant number of members and is visible to management. Worksite actions that apply pressure and demonstrate strength can include solidarity breaks, informational rallies and visual displays such as buttons, flags or desk tents. At the bargaining table, wearing buttons or stickers provide the same visible support.

Worksite actions are effective when the timing is closely related to deadlines in the contract bargaining process. These 'pressure tactics' are planned, for instance, to coincide with a bargaining session about a specific element in the contract we are seeking to improve.

Community action is helpful when it supports the specific items or issues being discussed. This also helps create publicity and increases pressure on the state as bargaining progresses.

The Beginning of Negotiations

The first meetings between the two bargaining teams establish the working relationship that will carry over into the rest of the bargaining sessions, and on into contract administration at the workplace.

These bargaining teams establish written ground rules covering such points as paid release time for rank-and-file negotiators and procedures for setting meeting times, establishing meeting agendas, and signing tentative agreements for ratification.

Scheduled bargaining session times and places must be convenient for both the union team and management.

Meeting agendas for each session are set by mutual agreement. The order in which bargaining issues are discussed can affect the outcome of negotiations. Our side must have an equal say in determining that order.

Employees may be used to having management officials conduct meetings. However, the chairperson of the negotiations, official or unofficial, should not be assumed to be management's chief negotiator. At bargaining the chief negotiators for each side act as co-chairs who, when necessary, agree on who will speak or when to move to a new topic. This process treats all participants as equals during bargaining.

For example, if members of the management team call union representatives by first names, use management's first names as well, instead of Mr. or Ms.

In addition, the bargaining team must be well-prepared and understand all of the issues to be discussed. All members of the union team take notes throughout this process.

Escalation

The bargaining team must show strength early in bargaining. This sets the tone and involves as many members at the outset as possible.

Management takes a harder line if we show weakness or a lack of unity. In response, members can be less willing to fight for their issues.

So, as negotiations continue, we gradually build pressure both at, and away from

the bargaining table. The worksite actions we choose need to be consistent and demonstrate solidarity and group consensus around the union-proposed solutions. Escalation of an action may be necessary to achieve our objectives. Let's say that management is claiming that it 'cannot afford improvements' proposed by the union. Management is required by the Dills Act to open its books and prove that claim as part of their obligation to bargain in good faith.

Local 1000 then builds pressure by challenging management to prove its claim and makes a campaign issue of its failure to do so. Then the union shares the information at the worksites and holds basic actions to keep the pressure on.

Management's position is strengthened when faced with union weakness and disorganization. On the other hand, management's resistance becomes more moderate and members gradually become more willing to take stronger action when the union's position is clear and consistent.

When the bargaining team takes a stand at the beginning of negotiations, members realize more quickly the union's power to act collectively. Early visible action will get the attention of management in ways that are likely to bring a more successful end to the negotiating process.

Impasse

At the end of the bargaining process there are two basic outcomes: agreement or impasse. If negotiations stall, it is called 'impasse.' This is the point at which no further progress toward an agreement appears likely because neither side is moving on the major unresolved issues.

Normally, the union does *not* want to bargain to what is legally defined as an 'impasse' because then management may be free to implement their last proposal. This means they can revert to their last, best offer, and there is the possibility that they could unilaterally change wages, hours, and working conditions.

In section 3517.8 (b) of the Dills Act, it states,

"If the Governor and the recognized employee organization reach an impasse in negotiations for a new memorandum of understanding, the state employer may implement any or all of its last, best, and final offer."

This section of the Dills Act means that if impasse is reached in contract bargaining, state employees could be stuck with the last set of conditions that were suggested by management.

If impasse seems near or negotiations seem to be stalled there are a variety of tactics that are tried to re-start the bargaining process and avoid impasse. These tactics include:

- Not rejecting management proposals we mainly disagree with. Instead, we stress that positions on individual items depend on the total package that

management is willing to agree to.

- Continuing to make new proposals on difficult issues, even if there is not a huge difference between our new positions and our old ones. Insist that management take the time necessary to prepare detailed information the union needs in order to bargain intelligently on proposals each side has made.
- Not saying to management, to our members, or to the news media that it is clear that management has no intention of settling. We can say that at this time they are not willing to negotiate a fair agreement.

The End of Negotiations

In the final stages of bargaining it is the bargaining team members who must decide how to proceed.

This same group will determine if the best agreement has been achieved.

Have we negotiated a good contract considering where we started, the needs of our members, the employer's financial condition, and other recent union agreements?

Would an agreement on the terms now available leave in place the most fundamental worker rights, or would it destroy the key elements of union protection such as seniority, the grievance procedure, or limits on management's right to make and interpret policies without union input?

Would the agreement be ratified by a large majority? If possible, we want to avoid a close vote one way or the other because a divided vote indicates a divided group and a weaker union.

If we decide not to settle now, the bargaining team will need to answer these questions to select what to do next:

- Will the members be prepared to escalate the campaign?
- Do we have a plan to successfully pressure the employer to a better agreement? And,
- Do we have or can we get the resources needed to mount an expanded campaign?

If the answers to those three questions are 'yes,' one option is to put management's last offer to a vote of our members, with or without a recommendation as to how they should vote.

We might do this if we were sure the offer would be turned down by a large majority.

We would never do this just to see what the members are thinking. If it were rejected by a close vote, we would have shown management that we don't have strong support to continue with our campaign. It would also appear that

management had negotiated the contract directly with the members, not by using the bargaining process.

If we are not ready to settle the negotiations, we would ask members to take strong action only if we believed we could win. If members are prepared, have shown they will support campaign actions, and are committed to the issues, then it may be appropriate for us to focus on a worksite action.

A major worksite action across the state should not be planned out of desperation or to save face for the bargaining team. It should be called only when it is in the best interest of the membership, is strongly supported by the membership and all other tactics have been exhausted.

The next step is to make sure each side initials all written or revised sections of the contract as soon as the tentative agreement has been reached on that section. This makes it less likely that management will change its mind.

These tentative agreements are then combined into one final agreement which will be voted on.

If the two sides have reached a final agreement, Local 1000 can volunteer to draft the actual language combining the tentative agreements that have been reached.

We make sure we have a final agreement before any announcement is made to membership or to the public.

Section Two Review

The main goal(s) of bargaining are: Choose all that apply

- a) Causing management discomfort
- b) *Improved working conditions through a negotiated contract*
- c) Getting headlines in the media
- d) *Strengthening the union*

The answers are B and D - The goals of bargaining are to improve working conditions through a negotiated contract and to strengthen the union. Along the way we might get media attention and cause management some discomfort, but our real goals center around improving working conditions for all and strengthening our union.

Bargaining strategies are based on:

- a) Any issue so long as it had a grievance filed
- b) *Goals established by the union through surveying members*
- c) Personal requests from DLC presidents
- d) Individual member complaints

The answer is B - The strategies used during the bargaining process are based on the goals established by the union through surveying members.

'Impasse' means:

- a) A narrow opening for negotiations
- b) *No further progress toward an agreement appears likely*
- c) Passing on the most recent offer by management
- d) The end of the grievance process

The answer is B - Impasse is the point in negotiations at which no further progress toward an agreement appears likely because neither side is moving on the major unresolved issues.

Section 3: Legal Requirements for Bargaining

Union and Management Follow the Law

Both the union and management must follow the law during contract negotiations.

Private employers are covered by the National Labor Relations Act - the NLRA - which is in turn enforced by the National Labor Relations Board - NLRB.

Public employers, such as the state of California, are covered by public employee law. Specifically, in California, our state law covering public employees is the Ralph C. Dills Act. Local government and university employees are covered under different laws.

All bargaining representatives are expected to follow guidelines and to respect the legal requirements. This means they must read and understand all laws and regulations on bargaining - including state and local laws and the Local 1000 Policy File.

Management's Goal

Management's goal generally in any negotiations is to maintain the 'status quo' or to take away rights and benefits at the worksite.

Management would like to keep wages the same, to keep hours the same, to keep working conditions the same and to continue negotiating until 'impasse' has been reached.

If *impasse is* reached, as was stated earlier, the Dills Act says the state can impose its last offer at the negotiating table and this will be the one that is implemented and enforced.

Bargaining in Good Faith

The Dills Act says in Section 3518 that the employer and the union must negotiate in good faith. It prohibits certain illegal tactics, such as imposing reprisals on employees, discriminating against employees, denying rights to unions, refusing or failing to bargain in good faith, dominating or interfering with a union, or refusing to participate in good faith in the mediation procedure.

A violation of the duty to bargain in good faith, by either management or by the union, may be grounds for an unfair labor practice, or ULP. However, proving bad

faith bargaining is usually about the totality of the bargaining process – not about one particular event or omission.

ULP Examples

Some examples of ULPs include refusing to supply information requested by the other side during bargaining, refusing to meet at reasonable times or times that are convenient to both sides, or attempting to dictate the scope and make-up of the union's team.

A ULP can be one side refusing to follow ground rules for negotiations, management attempting to bargain directly with union members, or management attempting to discourage membership support during bargaining.

Participate in Negotiations

The union's bargaining team is made up of elected members. Our contract with the state already provides for paid leave for members of the bargaining team.

This means that management must provide these members the opportunity to participate in negotiations during work time.

Summary

Remember that bargaining builds up the employee's rights over the rounds of negotiating and it's important to communicate these gains to members. This will continually strengthen membership support throughout the negotiations process.

Finally, we always encourage and depend upon membership support through worksite actions – these influence our ability to negotiate improvements at the bargaining table.

Section 3 Review

PERB was established by the Dills Act to:

- a) Determine work actions
- b) *Manage and administer the bargaining units*
- c) Elect the BUNC
- d) Bargain for a new contract

The answer is B - PERB was established by the Dills Act to manage and administer the bargaining units. This includes creating new bargaining units, deciding which job classifications will be in each bargaining unit, and any other changes to be made to the bargaining units.

One example of an Unfair Labor Practice, or ULP is:

- a) Either side refusing to meet at reasonable times
- b) Refusing to follow ground rules for negotiations
- c) Refusing to negotiate in good faith
- d) *All of the above*

The answer is D - All of these are examples of possible ULPs. Other examples include refusing to supply information requested by the other side, or attempting to dictate the other side's team. A ULP can be one side refusing to follow ground rules for negotiations, management attempting to bargain directly with union members, or management attempting to discourage membership support during bargaining.

According to the Dills Act, both sides are required to

- a) Stay as long as it takes to reach an agreement
- b) Negotiate until impasse is reached
- c) *Negotiate in good faith*

The answer is C - Both sides must negotiate in good faith. A violation of the duty to bargain in good faith by either management or by the union may be grounds for an unfair labor practice, or ULP.

End of Course

This completes Bargaining 100.

Your next step is to take and pass the Final Exam to complete this course.

Take the other required courses to receive your Certificate of Completion in the Bargaining track.