

Taking Notes During Bargaining

Taking complete, accurate notes is a key part of bargaining. At a minimum, one member of the team should be assigned to take notes during each session. If necessary, you may want to have two team members taking notes to make sure you get everything.

Notes are important because...

The discussion that led up to agreement on a particular part of the contract may be used later as evidence in arbitration cases. Sometimes arbitrators have to decide what the two sides “really meant,” and notes from negotiating sessions may influence that decision.

(If you don’t agree with what management is saying about what a contract clause means, say so up front rather than waiting to resolve the disagreement through the grievance procedure later. Otherwise, management officials will be able to argue that they gave an interpretation during bargaining and you didn’t object.)

The team may want to refer to notes between bargaining sessions to clear up any uncertainty about what position management actually took on an issue.

Evidence may be needed to support legal charges of bargaining in bad faith.

In dealing with the news media or your members, management officials are less likely to distort what was said at the table if they know you have a written record.

Notes should be dated, show the beginning and ending time for each major discussion, and indicate each major point made, who made it, and what evidence or argument they used to support it. If the discussion is fast moving, the note taker can write down key words and then immediately after the session fill in the rest. Notes should be compiled as soon as possible after the session so the note taker and others can check that they are complete.

Note taking can be faster and more efficient on a laptop computer, if one is available. The notes can be distributed electronically and team members can make any corrections via e-mail. A hard copy and computer file of the notes should be stored in a central location for easy reference as part of the local’s permanent records.

Many negotiating teams compile a notebook with a separate divider for each contract clause. In each section, you can keep the old contract language, proposals and counterproposals by each side, telephone logs, caucus notes, correspondence, research materials and evidence, and notes from negotiating sessions on that clause. Material should be filed immediately in its proper place so that it doesn’t get lost.

Sample Form for Note Taking During Negotiations

[A form like this can be stored as a computer document or printed and photocopied]

Date _____

Time _____

Name of note taker _____

Location of session _____

People in attendance from union

People in attendance from management

Number of contract proposals _____

Speaker _____

Point made/evidence used

Speaker _____

Point made/evidence used
