Negotiating in School Districts When Times Are Tough

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When the economy is depressed, resources are limited, mandates are overwhelming, and the organizational climate in the district is souring, education leaders and teachers union officials often brace themselves for contentious negotiations. Poor economic conditions affect the district’s ability to offer raises, maintain current benefit levels, and provide adequate instructional programs, supplies, and equipment. Some districts are forced to cut staff positions to balance their budgets.

Amidst this turmoil in education and an already-heightened public awareness and concern about accountability and transparency, recent legislative attempts have attacked the rights of public workers to bargain collectively. For example, in Ohio, where school boards have cut staff and instructional programs to balance their budgets, legislative action attempted to take away the bargaining rights of public employees such as teachers, firefighters, and policemen. This Ohio law was put to a referendum vote and ultimately suffered a crushing defeat, thus restoring bargaining rights to employees. Needless to say, the spotlight that was focused on bargaining was considerable (Celock 2011).
In Wisconsin, a similar battle ensued over collective bargaining (Pilkington 2011). The state was facing a $3.6 billion deficit for the 2011–2013 budget. As a result, Governor Walker introduced a bill restructuring most of public employees’ bargaining rights with the exception of police and fire department employees. In addition, the bill mandated that all public employees, other than the aforementioned two groups, would have to pay 5.8% of pretax salary toward their pension (Kujawa 2011). Governor Walker faces the likelihood of a union-led recall election in the summer of 2012 even though his reforms are saving the state money.

Rhetoric and campaign activity fueled debate about the pros and cons of collectively bargaining as an activity that is suitable in the public domain such as school districts (Russo, in press).

Collective bargaining provokes strong opinions from participants as well as people outside the process. Proponents of collective bargaining argue that the process fosters a productive work environment, protects worker’s rights, details management rights, and encourages fair treatment of employees. Critics cite limitation of managerial authority, potential for increased polarization between employees and management, contentious relationships, and limitations for organizational change due to protection of the status quo (Sukumar 2011).

Regardless of perceptions about the pros and cons of collective bargaining, it’s important that all parties prepare for the negotiation before actually beginning the process. That includes conducting pre-bargaining research to determine what resources are available to be part of the negotiation process. This is the situation particularly when resources are limited in amount and type. In the case of public schools, this information should be relatively easy to ascertain because all public school financial data are subject to full disclosure.

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When everyone knows finances are tight, boards sometimes contend that if there is not much to give in terms of salary and benefits, the question becomes: what is left to discuss? But monetary matters are not the only topics of interest to employees.

“Tough times” does not only refer to financial restraints. Teachers and other district employees may be concerned about terms and conditions of employment...
related to class size, preparation periods, models for evaluation, school safety, and employment based on evaluation, including test scores. The mistaken belief that salary and benefits are the only issues of concern for employees can lead districts to ignore long-term ramifications of hasty discussions related to contract language.

If districts give up significant management rights, it can be difficult and costly to “buy back” those rights at a later date. In the meantime, if what has been bargained for is counter-productive to school improvement and change, it can be very detrimental for the schools and the community.

**Bargaining Strategy and Technique**

Generally speaking there are two approaches to collective bargaining: distributive bargaining and integrative bargaining.

Distributive bargaining, also called zero-sum bargaining, traditional bargaining, or positional bargaining, is often considered competitive or even combative. Negotiators compete for distribution of a fixed amount of resources, often leading to winners and losers.

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Integrative bargaining, also known as interest-based bargaining or win-win bargaining, usually is considered collaborative in nature. The parties collaborate to find a “win-win” solution that satisfies both sides.

In reality, the techniques for both styles of negotiation can and should be similar. According to the Federal Mediation & Conciliation Service (www.fmcs.gov), sound bargaining principles include sharing information, dealing with issues rather than personalities, concentrating on the present and future, not the past; focusing on interests, not positions, helping the other party satisfy their interests as well as your own; and making decisions based on objective criteria, not power. There is little doubt that employing these principles of negotiation is more challenging when time are tough and emotions are frayed. Nevertheless, wise boards, SBOs, and union negotiators attempt to use best practice when it comes to bargaining techniques regardless of the climate.

Two dispositions by the negotiating parties can make or break whatever process is used and regardless of economic conditions: mutual trust and a problem-solving attitude. If an organizational climate is positive and leads toward effective and efficient operation, trust and the ability to solve problems usually go hand in hand.

Regardless whether times are good or challenging, collective bargaining can and should lead to strong partnerships between labor and management. In fact, when times are tough, people with a common purpose can actually become closer, more focused, and forge meaningful relationships. If both parties’ interests are reasonably satisfied and collective agreements are reached, school systems can thrive. However, it is essential that the parties use a problem-solving process based on sound bargaining principles and mutual trust. In that case, successful and fair contracts can be negotiated, even when times are tough.

**References**


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