



NEGOTIATIONS TACTICS & STRATEGIES



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PRESENTATION GOALS

- **Effective Communication**
- **Negotiations Rules**
- **Trade-offs & Packaging**
- **Reaching Settlement**

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How to get negotiations moving and issues resolved

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NEGOTIATION

- Be confident!
- Be open-minded!
- Be honest!
- Be patient!
- Be willing to compromise!



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EFFECTIVE COMMUNICATIONS

- To influence the outcome of negotiations
- To assure the agreement benefits the district

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EFFECTIVE COMMUNICATIONS

- Verbal & non verbal
- Control the process
- Change topics when necessary
- Prepare to manage conflict
- Use “time outs” wisely
- Active listening




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NON VERBAL COMMUNICATION

DON'T

-  fidget
-  slump in your chair
-  engage in unrelated activities

DO

-  make eye contact
-  take notes
-  sit up straight at the edge of your seat



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TO MANAGE CONFLICT

- Focus on issues - Not on personalities
- DO NOT rise to the bait
- Practice individual control
- Assure team control – One spokesperson
- Control agenda – Move to another issue

DO NOT ABANDON THE BOARDS' NEEDS



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CONTROLLING THE PROCESS

- Stay focused
- Change topics when necessary
- Be prepared to manage conflict
- Use “time outs” wisely (caucus or end of meeting)




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NEGOTIATIONS RULES

- 1. Side proposing change has burden of persuasion.**
- 2. Group economic proposals together.**
- 3. Slow and incremental movement**




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NEGOTIATIONS RULES

RULE 1:

The side proposing the change has the burden to convince the other side.



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COMMUNICATING TO CONVINC

The union must convince you to make a change it wants or needs
(and vice-versa)



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RESPONDING TO UNION PROPOSALS

Assess the union's proposal from this point of reference:



1. What do they want us to do?
– *Listen to really hear, not to rebut*
2. Do we want to do it?



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IF YES -

- Make note
- Under what conditions
– *Is compromise possible?*
 - *Under what conditions?*
- May be useful down the line



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IF/WHEN DISTRICT'S INTERESTS REQUIRE AN ABSOLUTE NO

- Do not be afraid to say "NO!"
- Saying this can be difficult, but remember:
 - There is no obligation to agree
 - The party seeking the change has the burden of persuasion



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NO!

- Prepare and give reasons
- Stress negatives to both sides
- Don't sugarcoat
- Don't pick apart proposal if entire issue is unacceptable
- Don't send mixed messages
- Don't lie and ...

NEVER SAY "NEVER"


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PRESENTING BOARD PROPOSALS

Board must convince the union to make a change the board wants and/or needs





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PRESENTING BOARD PROPOSALS

| | |
|---|--|
| <p>What is the union doing?</p> <ul style="list-style-type: none"> • Active listening • Assessing importance • Response | <p>How do we present?</p> <ul style="list-style-type: none"> • Don't apologize • Be positive • Demonstrate commitment to proposal • Explain district's needs • Don't misrepresent the facts • Make sure they understand your proposal • Emphasize areas of mutuality |
|---|--|


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DEALING WITH UNION REJECTION

- **Do not assume it is the final answer**
 - Remember – the union wants you to drop your proposals and only address their proposals
 - Track signs of subtle movement
 - Consult administration
- **Do not attack or blame – rather stay calm & cool**
 - Restate the Boards' needs and commitment
 - Use same effective approach as when presenting proposals

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NEGOTIATIONS RULES

RULE 2: Group Economic Items Together



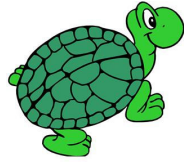
- ▶ Wages
- ▶ Insurances
- ▶ Time off
- ▶ Tuition reimbursement
- ▶ Extra-curricular pay
- ▶ Longevity pay
- ▶ Etc., etc., etc.

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NEGOTIATIONS RULES

RULE 3:

Move slowly and incrementally



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MOVE SLOWLY & INCREMENTALLY

Why not “cut to the chase”?

Too much / Too early

- **Early concessions are devalued**
- **Weakens bargaining leverage**
- **Results in larger concessions**
- **Increases likelihood parameters are exceeded**



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MOVE SLOWLY & INCREMENTALLY


- **Political considerations for union**
- **Parties need time to explore real needs behind proposals before they can identify how to resolve them**



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BRIDGING THE GAP



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TRADE-OFFS & PACKAGING

Trade-off - A trade linking one or more of the board's proposals to one or more of the union's proposals

Packaging - A more complex trade-off linking a number of board and union issues

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TRADE-OFF

- Linkage is key; neither part stands alone
- Easiest issues to resolve have some commonality
- Can also be used to resolve issues that do not have a common element
- Exploring possible areas of agreement
- Resolving issues
- Try to anticipate possible trade-offs well in advance

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USING TRADE-OFFS TO EXPLORE POSSIBLE AREAS OF AGREEMENT

- Need not be perceived as having equal value
- Typical responses:
 - “No”
 - Counter-proposal linking same issues
 - Counter-proposal linking to different issues



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STEPS TO DEVELOP TRADE-OFF

1. Identify issues to link
2. Develop bottom-line
3. Assess the bottom line
 - Does it satisfy wants/needs?
 - Board willing to pay the price?
4. Develop initial trade-off
5. Develop some intermittent trade-offs



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USING TRADE-OFFS EFFECTIVELY

- Attractiveness to both sides?
 - *Need not be, but helpful.*
- Be patient – the side that is most anxious tends to lose
- Don't negotiate against yourself
- Remember trade-offs can involve closely related issues or very different issues



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PACKAGING



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PACKAGING

- Provides bargaining leverage
- Easier to track costs
- Narrow differences/identify priorities
- Establish framework for settlement

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THE PACKAGING RULE

INDIVISIBILITY



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IMPORTANT CONSIDERATIONS

- Not too soon – generally towards the end of bargaining
- May include economic and/or non-economic items, but always group all economic issues
- Include items important to both sides
- Must include board priorities



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IMPORTANT CONSIDERATIONS (cont.)

- May include movement on specific issues
- Never include anything you cannot accept



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SETTLEMENT



HALLELUJAH!



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SETTLEMENT

Best Scenario:

Have the union present a final package the board can accept



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SETTLEMENT

- Includes all economic items and unresolved non-economic items
- Should indicate all items not previously settled or included are deemed withdrawn
- Should specifically indicate that salary guides will be mutually developed
- Should not represent the boards bottom line (unless there is certainty that the package will be accepted)



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QUESTIONS



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