

## **NEGOTIATING MISTAKES AND HOW TO AVOID THEM**

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1. Do not fail to set aside adequate time to prepare.
  - ! Board concerns must be reviewed and discussed well before opening negotiations with the bargaining unit(s).
2. Do not put together a negotiations team that cannot work together or that does not represent the consensus of the Board.
  - ! Discuss Employer priorities, roles of negotiating team members and the negotiations process.
3. Do not create a negotiations team that has no authority to negotiate.
  - ! The negotiations team should be provided the authority to negotiate within the parameters set by the Board.
4. Do not assume your negotiations team understands the reasons/rationale for each and every proposal that will be brought to the table.
  - ! Particularly with unique proposals, the negotiations team must fully understand why the proposal is being made.
5. Do not create a set of proposals that is so voluminous as to re-write the entire contract.
  - ! Oftentimes, less is more in negotiations. However, make sure the Employer=s priority issues are part of the initial package exchanged with the Union.
6. Do not set a negative tone about negotiations before they even start.
  - ! Forget about past problems, concentrate on reaching a fair agreement in an expeditious manner.

7. Do not suggest negotiations are not important to the Board.
  - ! Even with other big projects/concerns going on with the Employer, make sure to signal to Union and employees that negotiations are important.
8. Do not provide inaccurate numbers or faulty data.
  - ! Be sure of Employer numbers. A strong fiscal argument is quickly undercut by the other side showing the error/mistakes in Employer numbers.
9. Do not make the Union file formal requests (*e.g.*, FOIL) for information that is relevant to negotiations that the Employer will provide sooner or later.
  - ! Give the Union relevant information; agree to pertinent negotiations information, such as FTE=s budget, health insurance costs.
10. Do not create a schedule of the time and place for negotiations that is counterproductive.
  - ! Schedule at a time when bargaining team members can timely attend, especially Board members, and in a place that has a place to caucus.
11. Do not create proposals which involve excessively formal or legalistic language.
  - ! Bad language in proposals leads to protracted negotiations.
  - ! Bad language in contract provisions leads to grievances.
12. Do not overwhelm the other side in paper.
  - ! Be prepared to support pertinent proposals with documentation but understand that too much paper (*e.g.*, comparisons, updates, proposals, etc.) may confuse people. Hence, simplify supportive documentation or comparison data.
13. Do not have the Union give you their demands in a session before you give them the Employer=s proposals in a subsequent session.
  - ! Mutually exchange proposals.
14. Do not waive the right to explain Employer proposals.
  - ! Take the appropriate time to explain the purpose/reason for the Employer proposals.
15. Do not make it personal.

- ! Keep it positive.
- 16. Do not take it personally.
  - ! Remember, after negotiations, the parties still have to work together.
- 17. Do not lose your patience.
  - ! Timing is important; discuss Employer priorities early and often.
- 18. Do not bluff.
  - ! Be prepared to follow through on threats/ultimatums made at negotiations.
- 19. Do not think the other negotiator=s problems are simply his/her problems.
  - ! If the other negotiator(s) has internal problems on his/her team or with the bargaining unit, they will be problems for the Employer.
- 20. Do not make changes in the Employer=s proposals at the table without first discussing the changes in caucus with the full negotiations team.
  - ! Make sure everyone on the team agrees with the change and the timing of making the change.
- 21. Do not think negotiations are only about money, so do not focus on money too early in the process.
  - ! Allow the non-monetary items to be discussed, resolved or withdrawn, as once the big items (money, health insurance and time) are settled, neither side wants to discuss anything else.
- 22. Do not assume everyone is talking about the same numbers unless there is a recognition at table.
  - ! Make sure everyone is talking about the same numbers (*e.g.*, % increase, inclusive or exclusive of increment).
- 23. Do not make commitments you cannot keep.
  - ! Be careful of telling the other side you can Asell@ an idea to the full Board.
- 24. Do not fail to keep the commitments you make.

- ! If you tell the Union you will get back to them with information or with a written response to their demand - do it.
- 25. Do not wait until the last minute to draft the language of the tentative agreements reached between the parties.
  - ! As tentative agreements are reached during negotiations, they should be reduced to writing so that the parties can review and finalize the language, in a timely, no-pressure manner, which will ultimately be part of the successor agreement.
- 26. Do not assume the new contract language covers items or concerns not specifically addressed and agreed to at the table.
  - ! Discuss and obtain agreement at the table to all of the various contingencies the new provision could cover. Use examples in the new contract provision, where appropriate.
- 27. Do not take advantage of a mistake by the other side.
  - ! If the Union makes a mistake, clear it up.
- 28. Do not negotiate/discuss things/proposals that the Employer really has no intention of ever agreeing to.
  - ! Explain why certain items are simply non-starters and move the discussion to other items.
- 29. Do not let a key Employer proposal die on the vine. Silence is not necessarily golden.
  - ! If you intend to keep a proposal alive you must periodically remind the other side it remains open and important.
- 30. Never say never.
  - ! Be flexible.

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