

Negotiations: Improve the Process

DONALD P. MITCHELL

I CANNOT let the article written by Gerald E. Dart¹ stand without comment.

It has never been depressing to me to watch these teachers—all of them sincere and dedicated people—go through the process of collective negotiations. The manner in which the teachers' team presents its demands is far from a demeaning procedure here in the State of Michigan. The competencies of many of our teacher teams are far in advance of either side of the table described in Gerald Dart's article.

I strongly feel that the procedures and/or methods of the negotiating teams in California should be altered so that meaningful bargaining can be obtained if Dart's description is typical of what is going on at the negotiation tables throughout the state.

I remember the days of the benevolent dictators who parceled out \$50 a year raises while the cost of living was increasing ten times that amount. As an American Federation of Teachers local president, I sat at the table powerless to refute the facts and figures being presented by the school board and regretfully accepting whatever considerations

the board was making in behalf of the certificated staff.

Since 1965 and a public act that empowered the public sector employees of the State of Michigan the process of collective negotiations, the "worm has turned," so to speak. In Michigan the teachers groups now make all the demands and the boards come out of the negotiations just hoping they have not given away the "ship."

Having sat at the negotiations table for the past five years as a member of the board of education's negotiation team, I have sat in silence at times. But never have I had to sit there and accept untruths from the teachers' side of the table without being able to retort. On our team, to avoid pandemonium, we have a chief spokesman who presents the board's demands and interacts with the teachers' spokesman concerning their demands.

Generally speaking, the spokesman does the talking, but any member of the team may respond to accusations coming across the table simply by getting permission from the chief spokesman to speak to the point. This is usually done by a move of the hand to attract his attention or by passing a note to him making a request to respond to the issue.

¹ Gerald E. Dart. "Educational Negotiations—Downhill All the Way." *Educational Leadership* 30 (1): 9-12; October 1972.

Here is where the chief spokesman must use his expertise in negotiations. He must weigh whether the issue is one worthy of response or one that is on the table for only argumentative reasons. If the spokesman needs additional information concerning an item on the table, we may caucus before continuing the discussion at hand.

Consequently, the spokesman has one of three decisions to make: (a) refuse the request to speak, (b) grant permission to speak, or (c) call a caucus to gather information concerning the request to speak. In all cases we have built up a complete trust in each other's competencies in handling a given situation because we have been chosen to be members of the team according to our administrative background and experience.

Collective bargaining, it's a game! Webster's Seventh New Collegiate Dictionary gives two definitions of game that help clarify this exclamation as: (a) a mental competition conducted according to rules with the participants in direct opposition to each other, and (b) a situation involving opposing interests given specific information and allowed a choice of moves with the object of maximizing their wins and minimizing their losses.

There are members of the private sector of employment representing the management side who have negotiated contracts for years who claim that there is a great amount of gamesmanship in the process of negotiations. Accepting this philosophy from the private sector of employment, we can assume that the selection and composition of a negotiating team is of critical importance to the whole negotiation process.

It is possible for the board of education's negotiating team to develop a strategy that will minimize the losses and maximize the gains in favor of management, the board of education, and the community which the board represents. Yet this does not mean that dishonesty and deceit should be the main ingredients in the process of negotiations.

It is a "fact," and one that may be a bitter pill to swallow, that administration and teaching staff are now and forever will be separated by the bargaining table. True,

there are negatives to this arrangement, such as the polarization of teachers, administrators, and community; but if the child and the improvement of his education can be the main objective of the negotiations process, then we have much going for us on the positive side of the ledger.

To ensure that the children will receive a better education as a result of the negotiations, the roles of board of education bargaining team members must be delineated. Clear-cut, definable roles must be developed for the members. Persons should not be representing the board just because they have a specific title or because of their tenure in the school district.

The following recommendations and statements are based upon data gathered while the author was writing a dissertation entitled, "An Evaluation of the Composition and Selection of Negotiating Teams for Public School Boards of Education."² These guidelines are intended to assist school boards in making more rational assignments to the team and in delineating more accurately the responsibilities and roles that each member is to play.

"The primary object of selecting the board's bargaining team is to bring administrative knowledge and experience to the bargaining table. The team should be able to discuss accurately and intelligently all relevant problems which may arise in the meeting."³ This statement by the Michigan Association of School Administrators expresses the fundamental team concept that the team should be fully cognizant of the school board's attitudes and policies.

The negotiated contract is a restrictive, not a permissive document. Consequently, the negotiating team must be able to analyze each proposal and its implications for the administration of the school program.

² Donald P. Mitchell. "An Evaluation of the Composition and Selection of Negotiating Teams for Public School Boards of Education." Unpublished Ed.D. dissertation, Wayne State University, 1969.

³ Michigan Association of School Administrators. *Labor Relations Handbook for School Boards and Superintendents*. East Lansing, Michigan: NEA, 1966. p. 91.

The following suggestions are made with the hope that they will help boards of education in selecting effective negotiating teams to represent them.

1. Ideally, the size of the negotiating team should be kept to a maximum of five members. These five members would be as follows: (a) chief spokesman, (b) central office administrator, (c) secondary school administrator, (d) elementary school administrator, and (e) a member of the administration (if possible) who is especially adept at taking notes of the transactions at the negotiation table. Knowledge of the operation of the central office, elementary schools, and secondary schools is essential. Some member of the team should have technical expertise in each of the following areas: (a) labor and tenure law, (b) curriculum, (c) school finance, (d) state school laws and regulations, and (e) fringe benefits.

2. The chief spokesman is the only one who talks at the negotiations table except when a team member is asked to speak in the field of his expertise. Team members communicate with the chief spokesman by passing notes or by calling for a caucus. Some of the personal qualities the chief spokesman must have are: (a) command respect and confidence, (b) have patience and a sense of humor, (c) be a good listener, (d) know how to sell the board's proposals, (e) have the ability to organize his thoughts and speak well, (f) be able to say "no" effectively, (g) have physical and mental stamina, and (h) above all, have a keen sense of timing.

3. The responsibilities of the chief spokesman and team members should be clearly understood. This implies not only a job description, but time for preparation for collective bargaining. This preparation time should be used to: (a) review existing contract language, (b) study practices in areas not specifically mentioned in the present contract, (c) study past years' grievances as they will certainly come up at the bargaining table, and (d) analyze the previous negotiations for items that seem to come up again and again.

4. The usual line and staff chart of organization does not lend itself to an efficient organizational structure in support of the negotiating team. To incorporate the management team concept, a structure must be designed that will expedite movement between administrative

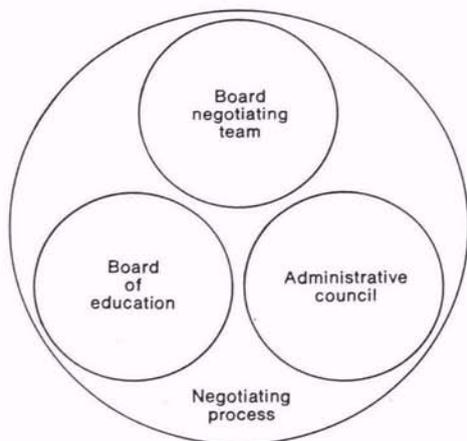


Figure 1. Organization Structure for Negotiations

levels that have been traditionally more difficult.

Proposed in Figure 1 is a framework for the negotiating process.⁴

The three components that make up a complete negotiation process are the board of education, the board negotiating team, and the administrative council. Each of these components has its own unique internal structure.

The board of education is basically political in nature, with a constituency to which it is accountable. It is obligated to the efficient operation of the community's public schools.

The board negotiating team is a five-man team, as proposed in a previous recommendation.

The administrative council is made up of all administrative personnel or their representatives not in the teachers' bargaining unit. It meets regularly for the purpose of cooperatively and efficiently administering the school system. A vital function of the council should be the analysis of contract language before formal negotiations begin and the development of language revisions and proposals to be presented at the table.

As illustrated in Figure 1, these three individual units are connected by the mutual interest of negotiating as represented by the large outer circle. The components themselves are not necessarily directly connected. Any movement made by a single component autonomously or movement made by interaction between two components directly affects the third

⁴ Mitchell, *op. cit.*, p. 116.

component via the outer circle that connects all components.

In essence the board of education sets up guidelines, the negotiating team bargains the contract, and the administration implements the contract.

5. Communication lines between components must always be open. Regularly scheduled meetings should be held involving the board team and the administrative council. During these meetings, status reports should be made by the team and feedback should be received from the administrative council. The team should also meet with the board on a regular basis to give status reports and to get the board's reaction.

6. When the superintendent is not the chief spokesman nor a member of the five-man team, he should still be an integral part of the total negotiating process.

7. The basic structure of the negotiation team should never be altered, even at an impasse. The addition of an attorney may be advisable, but he should be the only addition to the team composition.

8. The board of education members should never enter into direct bargaining at the table. They make themselves vulnerable to emotional attacks by the bargaining unit. They should, however, have a majority present for caucuses during critical periods of the negotiating process. This is very important toward the strike deadline date, when all actions become crisis bargaining.

In order to avoid the complete disenchantment that people like Gerald Dart have felt because of experiences with negotiations which prove to be distasteful, we must bring negotiations to a level far above that of the rug salesman in the local bazaar. We must be more specific in nature. Boards must meet demands with demands and establish an offensive position rather than the defensive one in which they have been allowing themselves to be placed. If we balance the power on both sides of the table so that neither side can use coercion as an effective weapon, then the end result of collective bargaining will be acceptable agreement for all parties concerned.

The course of education as a result of collective bargaining is still vague. Education is at present in the midst of great change—teachers' rights, administrators' rights, students' rights, and community's concerns are being presented to the boards of education as never before in the history of education. To meet these confrontations, boards must be better prepared than ever before. One effective preparation is to select bargaining teams with great care and create a cooperative atmosphere in which all members of the administrative team may work effectively.

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