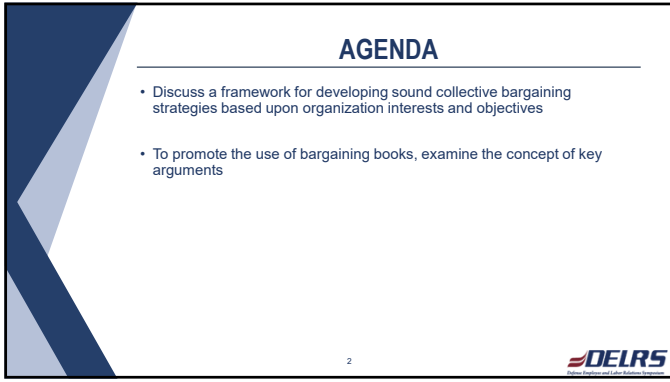
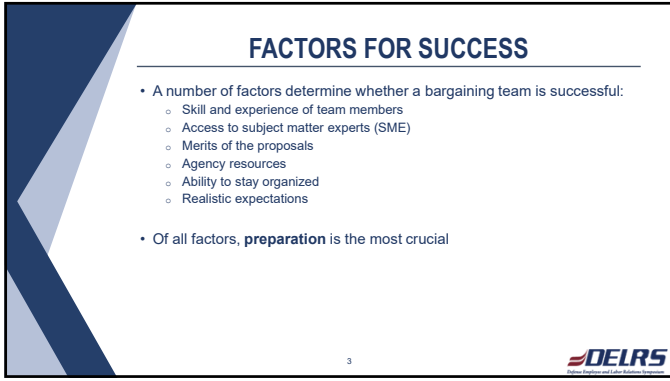




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THE BARGAINING BOOK

- Required for all contracts
- Purpose
 - Shapes Strategy
 - Preserves bargaining history
 - Develops the record in support of key arguments
 - Repository of evidence in potential labor disputes
- Contents
 - Certificate or Recognition (COR), current CBA/MOUs, arbitration awards, FLRA decisions, delegations of authority, appointment letter, bargaining preparations worksheet, bargaining notes, etc.


 **Thought Exercise – Why is the COR a critical component of the bargaining book?**




4

THE BARGAINING TEAM

- A bargaining team is comprised of agency representatives that meet and negotiate with the union
- Each actor brings distinct experiences and expertise to the team
- The bargaining team must have the authority to commit the agency to an agreement
 - Authority is typically delegated from the Commanding Officer to bargaining teams by way of an appointment letter


 **Thought Exercise – Who should serve as team members?**



5

BARGAINING TEAM ROLES AND RESPONSIBILITIES


- Chief Negotiator (Designated Spokesperson*)
 - Must be 'trained and competent' pursuant to SECNAVINST 12711.2
 - Skilled communicator with excellent research and leadership abilities
 - *See American Federation of Government Employees, Local 1547 and Department of the Air Force, 56 FSSI/FSMC, Luke Air Force Base, Arizona, 70 FLRA 303 (2017)
- Team members
 - Effective listeners, knowledge of bargaining history, expertise in one or more areas, time and commitment to participate
- Note taker
 - One of the most critical members of the team
 - Responsible for accurate record of bargaining sessions
 - Required of all DON bargaining teams



6

DETERMINING ORGANIZATIONAL INTERESTS


- Consult stakeholders
 - Command leadership, first level supervisors, etc.
- Review bargaining history
 - Grievances, arbitrations, unfair labor practices
 - Review bargaining books
- External Factors
 - Stay current with applicable Executive Orders, agency policies and FLRA/FSIP decisions




7

ORGANIZATIONAL OBJECTIVES

- What does the organization need to accomplish in negotiations?
 - Promote financial stewardship
 - Support effective dealings
 - Reduce hiring timelines
 - Improve safety measures
 - Bring CBA in to alignment with changing laws, rules or regulations


 **Thought Exercise – What proposals might promote financial stewardship? How about supporting effective dealings? Reduction of hiring timelines?**



8

KEY ARGUMENTS


- Derived from 2006 FedSmith article by Bob Gilson, entitled, *Successful Federal Bargaining: Preparation is Everything*
- Key arguments, if supported by facts and evidence, have the power to convince a trier-of-fact to rule in the agency's favor
- Examples include:
 - Required by law, administrative problems, span of agency control, direct/indirect cost, organization effects, mission impacts, productivity, morale, etc.
 - See *Naval Undersea Warfare Center and NAGE, Local R1-144, 2023 FSIP 058 (2023)*




9

ANTICIPATING THE UNION'S INTERESTS

- Identify current contract articles and new issues the union may raise
- Comparability with other union agreements
- Prepare to make negotiability determinations should anticipated proposals interfere with management rights or conflict with existing law
 - See DoDI 1400.25, Vol. 711 for negotiability procedures


 **Thought Exercise – how do we know what the union wants?**

10 

10

EVALUATING PROPOSALS

- Determine scope of bargaining and the duty to bargain
- Perform cost/benefit review
- Evaluate against bargaining objectives
- Develop specific objectives and "last best offers" for each topic/proposal
- Ask union to explain their proposals and underlying interests
- Prepare for impasse
 - Develop key arguments
 - Gather facts and evidence in support of those key arguments

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 **ANY QUESTIONS**

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