

# What to expect during PREPARATION FOR BARGAINING

*Union recognition begins the “status quo period.” Until a final agreement is reached, management is required to maintain wages, benefits, employment policies, and working conditions. If the employer wishes to make any changes to these, they must notify the union first, giving them the opportunity to negotiate. That doesn’t mean everything comes to a standstill. In fact, the union and management are quite busy during this “time between”.*

## What to Expect:

During the period between recognition and the start of negotiations, both the union and management have a lot to do:

- The union will typically survey the bargaining unit, formulate contract proposals, and select and train a bargaining team.
- Management uses this period to pull together data, gather input, train managers, and select a bargaining team.
- Together, the union and management will meet to agree on the approach to bargaining, the date for the first session, and ground rules.
- Management should think about strategies to inform all about what is happening and what they can expect. It’s good practice to talk to the union about efforts to inform and update all staff.

This period can go on for a long time, and it may be months before contract negotiations begin. To avoid contributing to delays, it is important to keep the process moving by focusing on training, preparation, and communication. But don’t be surprised if the union needs more time. Patience is key.

## Regular Communication between Union and Management

It is a best practice to set up regular meetings between union leaders and management once the recognition agreement is final. These discussions are where you will exchange information, address questions, and plan for bargaining. As a product of these meetings, management and the union may arrive at interim agreements to govern any aspect of the relationship, including a disciplinary policy, staff communication, and ground rules.

## **Maintaining a Commitment to Racial Justice, Equity, & Inclusion**

Many managers and staff members have questions about whether and how internal processes such as equity committees can continue alongside collective bargaining.

Rather than deciding to stop all internal working groups, many organizations start by determining how their purpose and process intersects with collective bargaining. In some instances, there may be real advantages to talking about these issues during bargaining, including ensuring that frontline staff feel heard, as well as creating clear policies with enforceable commitments.

However, don't assume that you need to fold all discussions of equity into collective bargaining. Existing equity committees and identity-based caucuses can co-exist with collective bargaining quite effectively. The best practice is to explore with a pro-union attorney how to continue to advance racial justice and equity priorities through collective bargaining *and* through other efforts and forum.

### **Training and Education:**

The [Federal Mediation and Conciliation Service](#) [FMCS] is a neutral, government-funded resource that provides free training and sometimes free facilitation to help management and the union understand the options for bargaining. FMCS also provides free facilitation to support Interest Based Bargaining if that is the approach that management and the union choose.

This is also a great opportunity to bring in a Beyond Neutrality consultant. They work with leaders to prepare for negotiations and can educate managers about their role and how it will and won't be impacted by unionization. Sometimes leaders just need information, and other times they need greater support for addressing the challenges and opportunities inherent to the process. Although the process can go well, and often improves over time, there may be significant challenges to address as the union forms and the organization adapts to this change.

### **Information Requests:**

During this period the union will request information from management. It may be regarding bargaining unit staff and positions, compensation, benefit programs, written policies, and other information relevant to bargaining. Under the law,



employers have an obligation to provide certain information in a timely manner and may also voluntarily provide information that is not required.

It is important to get advice from a pro-union attorney and to consider carefully what values the organization wishes to advance. For example, many organizations find that sharing financial information beyond what is required by law facilitates generative negotiations. Within the nonprofit sector there is a growing expectation of open and transparent exchange of information with the union. Your attorney can help you think through the risks and potential benefits of sharing information beyond what is required by law.

*Find additional resources at [www.beyondneutrality.org/resources](http://www.beyondneutrality.org/resources)*

