

Collective Bargaining: A Problem Solving Model

Collaborative work can be done to solve problems and improve communication by working with the bargaining units, the unions, on issues both local to the district and in relationship to the state.

Presenters:

Barbara Petersen, APS Board Member

*Dr. Ellen Bernstein, President of the Albuquerque
Teachers Federation*

Many additional resources on **Interest-Based Bargaining** and problem-solving models can be found on line. Here are several:

The Federal Mediation and Conciliation Service: <https://www.fmcs.gov>

<https://medium.com/swarm-nyc/the-art-of-negotiation-positional-vs-interest-based-bargaining-c1931ce9ab4b>

<https://sites.hks.harvard.edu/fs/lkaboolian/publications/Win-Win-chapter1.pdf>

<http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1015&context=reports>



NEW MEXICO SCHOOL BOARDS ASSOCIATION

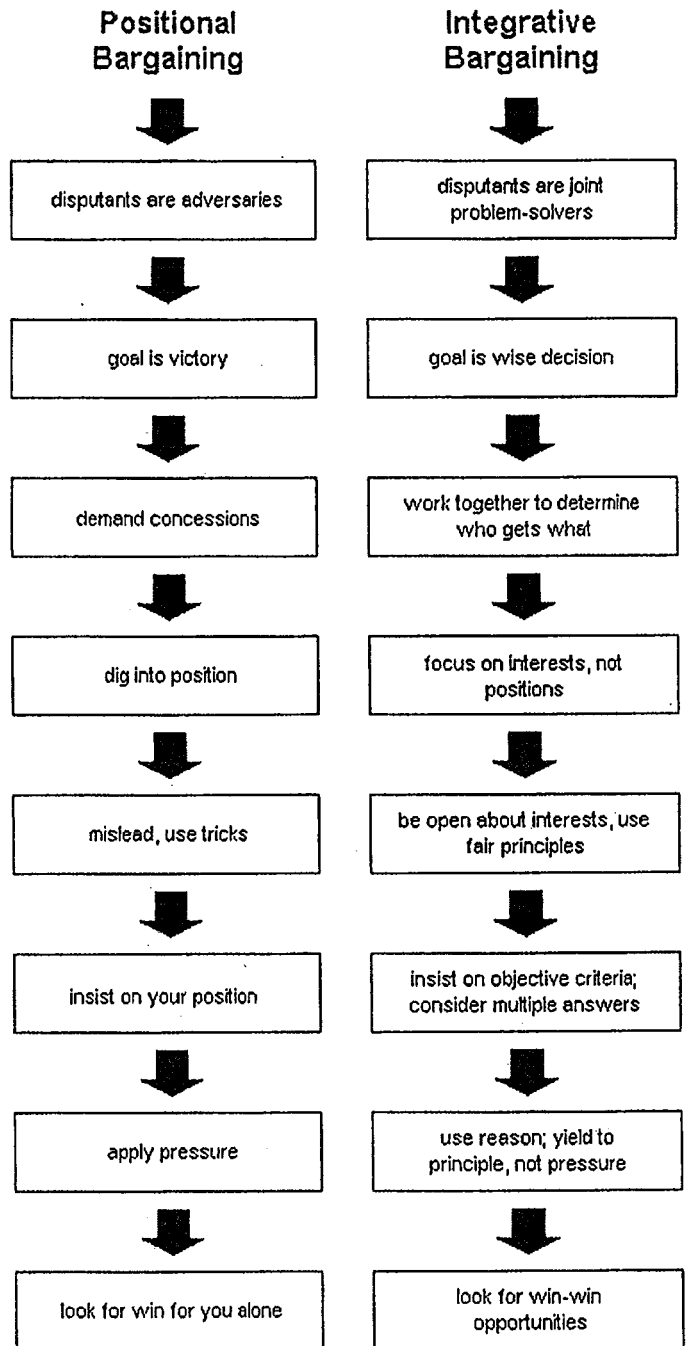
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THREE NEGOTIATION STYLES

Soft Bargaining	Aggressive Bargaining	Collaborative Bargaining
Participants are friends.	Participants are adversaries.	Participants are problem solvers.
The goal is agreement.	The goal is victory.	The goal is a wise outcome, reached efficiently & amicably.
Make concessions to cultivate the relationship.	Demand concessions as a condition of the relationship.	Separate people from the problem.
Be soft on the people and on the problem.	Be hard on the problem and the people.	Be soft on the people, hard on the problem.
Trust others.	Distrust others.	Proceed independent of trust.
Change your position easily.	Dig into your position.	Focus on interests, not positions.
Make offers.	Make threats.	Explore interests.
Avoid having a bottom line.	Mislead as to your bottom line.	Disclose and discuss your bottom line.
Accept one-sided losses to reach agreement.	Demand one-sided gains as the price of agreement.	Invent options for mutual gain.
Search for the single answer: the one they will accept.	Search for the single answer, the one you will accept.	Develop mutual options to choose from; decide later.
Insist on agreement.	Insist on your position.	Insist on criteria.
Try to avoid a contest of wills.	Try to win a contest of wills.	Try to reach a result based on standards independent of will.
Yield to pressure.	Apply pressure.	Reason and be open to reasons; yield to principle, not pressure.



This chart was derived from a more complex chart in *Getting to Yes* [2]

Creating Options

SUMMARY OF P.A.S.T. INTEREST-BASED PROBLEM SOLVING

PAST Interest-Based Problem Solving is a Problem Solving Process based on **Principles, Assumptions, Steps, and Techniques**, which trained Problem Solvers use to achieve positive results for both sides.

Principles

- Focus on Issues Not Personalities
- Focus on Interests Not Positions
- Create Options to Satisfy Both Mutual and Separate Interests
- Evaluate Options with Standards, Not Power
- Focus on the Present, not the Past

Assumptions

- Problem Solving Enhances Relationships
- Both Parties Can Win
- Parties Should Help Each Other Win
- Open Discussion Expands Mutual Interests and Options
- Standards Can Replace Power in Solving Problems

Steps

- Prepare for Interest-Based Problem Solving
- Identify Issues
- Identify Interests
- Develop Options
- Develop Standards
- Judge Options with Standards
- Achieve Interest-Based Solutions

Techniques

- Brainstorming
- Consensus Building
- Other Problem Solving Tools
 - Idea Charting

Converting positions to interests

Definitions:	issue	a subject under discussion or negotiation; the what; the problem to be solved
	interest	one party's concern, need, or desire behind an issue; why the issue is being raised;
	position	One party's proposed solution to an issue; the how

Key differences While a *position* statement

- * focuses on a particular solution,
- * makes a demand,
- * draws a line, and
- * sets up confrontation before the problem has been clearly defined,

an *interest* statement

- * focuses on the problem,
- * articulates one of a range of needs,
- * makes no valuations, and
- * establishes a climate and a common language for discussion,
- * so that the real issue or problem can be understood, discussed, and negotiated

Converting positions to interests If a demand, solution, proposal, or position appears on your interest list, convert it to an interest by asking what problem it is trying to solve or what concern it is intended to address

GROUP READING ON INTEREST-BASED PROBLEM SOLVING

We can do Interest-Based Problem Solving

- By not taking positions and not focusing on personalities.
- By describing our interests on each issue and listening for the other side's interests.
- By using overlapping interests to find options for mutual gain.
- By helping each other satisfy interests.
- By replacing power and intimidation in decision making with mutually developed standards.
- By building consensus that links standards and options to reach Interest-Based decisions.

COLLABORATIVE NEGOTIATION PROCESS

1. Conduct a needs assessment
2. Agree on ground rules
3. Identify goals for the relationship
4. Assess what didn't work during last negotiation
5. Establish top priorities
6. Tackle easy issues first
7. Meet informally in small bilateral teams
8. Brainstorm possible solutions
9. Reach consensus where possible
10. Identify interests
11. Agree on appropriate criteria
12. Develop alternatives to make proposal acceptable to other side
13. Use separations, and collaboratively negotiate solutions
14. Consult experts, conduct research, experiment
15. Search for creative ways to resolve impasse
16. Use outside facilitation or mediation if necessary
17. Evaluate the process
18. Give each other honest feedback
19. Celebrate successes
20. Build the relationship

ATF: WHO WE ARE IS WHAT WE BELIEVE

ATF is a union of professional educators, representing teachers and professional support staff in all matters. The statement of purpose in Article II of our Constitution is testimony to what we as an organization believe and what we are about.

- To obtain for all members of the bargaining unit the **salary and working conditions** essential to the best professional service.

- To obtain for all teachers the **rights and respect** to which they are entitled.

- To encourage the **coordinated action of teachers and community** in creating the most productive learning environment in our schools.

- **To expose and fight discrimination** in education toward any individual or group on the basis of sex, gender, sexual orientation, creed, color, race, national origin, or political activities and beliefs.

- To promote the **welfare of children** by providing equal educational opportunity for all.

- To encourage **cooperation with workers of other unions** to promote better working conditions for all.

- To advance **teacher decision making power** in the administration of the schools.

- To promote **the process of democracy in the schools** which will enable teachers to better equip their pupils to take their places in the economic, social, and political life of the community.

- To promote **political action** for the benefit of teachers and other working people.

- To promote and support the **professional growth and development of educators** by continually providing information and learning opportunities about educational issues.





WHAT WE STAND FOR

The Albuquerque Teachers Federation (ATF) works for proven, educator-driven school reforms that will improve education locally for over 87,000 students, and statewide for New Mexico's 828 public schools. We believe that the **improvement of public education should be taken away from those who scheme to profit from our children** and should be placed in the hands of educators who work daily in the schools—those who know your students best. We strive to create the world-class educational system that New Mexico's children deserve. To this end, we advocate for aligning policies toward a unified vision that **invests in and trusts teachers as professionals, along with a focus on equity.**

We believe the following are essential in creating world-class schools:

- **Educate the Whole Child.** Our state must invest to ensure that all schools have a well rounded curriculum with classes in the Fine Arts in every school. Varied elective courses should be offered, including world languages. Every school should have a library—well-stocked with books from all areas and with the latest in technology equipment and material—and fully staffed with qualified librarians.
- **Help Students Get the Best Possible Start.** Children need age-appropriate education in the early grades. Students should have access to quality pre-kindergarten. Numerous studies show that high-quality early childhood programs increase the likelihood that children, particularly those from disadvantaged, backgrounds, will become successful students and citizens.
- **Fully Fund Education.** We believe that New Mexico has a moral and constitutional obligation to provide sufficient funding for public schools. There is no excuse for returning tax dollars to the most affluent while denying students the essential educational programs they deserve. This includes intervention programs to ensure success for all, as well as full funding for counselors, school nurses, social workers and therapists.
- **Teach ALL Students.** We are committed to address any disparities in educational services and secure comprehensive, effective programs for English Language Learners and for students with special needs. Our focus must be on fulfilling our state's commitment to Bilingual Education.
- **Respect the Professionals.** Educators need compensation that is comparable to others with similar education and experience levels. They need paid time to adequately plan lessons and collaborate with colleagues. Teachers and related services personnel need autonomy and shared decision-making in their schools. Their professional judgment must influence policies and practices at the district and state levels.
- **Establish Community Schools.** Community schools focus on creating stable environments in which students can live and learn, and teachers can teach. They become the hub in the neighborhood linking medical, mental and social services to children and their families. Community schools are open outside the regular school day and offer programs and services such as daycare, tutoring, after school programs and adult education.
- **Address the issue of poverty.** We work for excellent public schools, strong unions, comprehensive public services, livable wages, tax fairness, and social & economic justice. Real education reform fights poverty.