

**Close Corporate
Tax Loopholes**

WELCOME

**Stop Destroying
Good Federal Jobs**

AFGE





Collective Bargaining I: Legal Framework

Introduction to Collective Bargaining Series
FSED

TRAIN-THE-TRAINER

Collective Bargaining: Legal Frameworks

What is the (CB1) course?

This course is designed to provide a basic introduction to the legal framework for federal collective bargaining.

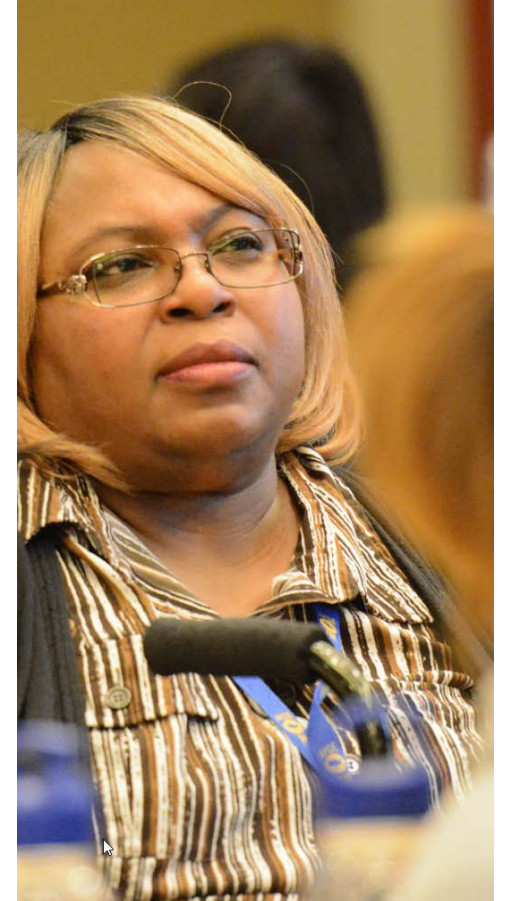
Audience

The CB1 course is designed for union leaders and activists with little or no experience in federal collective bargaining.

Overview

Federal collective bargaining is more restrictive than other types of private or public sector bargaining. Accordingly, federal collective bargaining is a process that can often be confusing or frustrating. This course is designed to give participants basic information on the legal framework for federal collective bargaining so they are better prepared to represent their members at the bargaining table. This session will teach members about your rights as a union negotiator and how they can work through common obstacles to bargaining.

This course is the first in a two-part series on Introduction to Collective Bargaining. While this course will teach the basics rules of the road for how to get the agency to sit down and bargain, the next course, Introduction to Collective Bargaining 2: Negotiation Skills and Techniques (CB2), will help participants develop the skills to win the best agreement possible for their members.

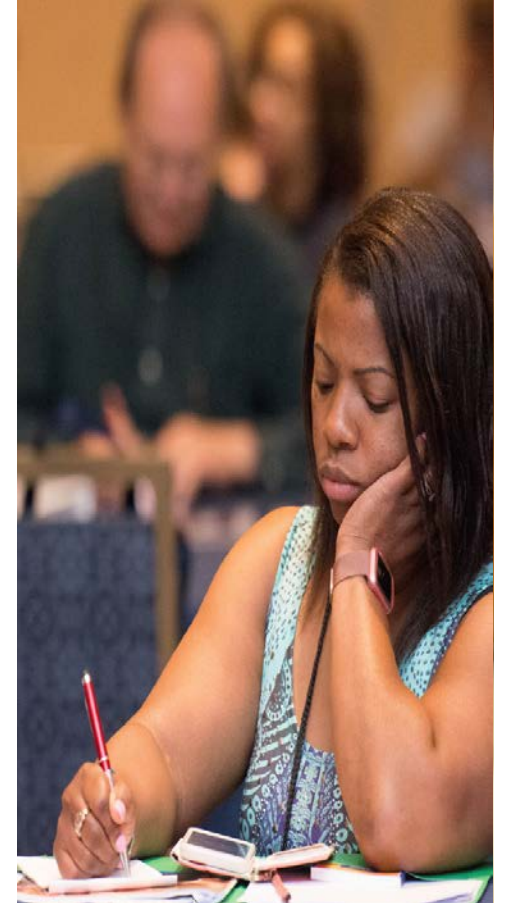


Collective Bargaining: Legal Frameworks

Program Learning Objectives

After completing this program, participants should be able to:

- Discuss the collective bargaining roles and requirements for unions and agencies under 5 U.S.C. Chapter 71
- Define key terms and concepts used in federal collective bargaining
- Evaluate common legal strategies and bargaining techniques used in federal collective bargaining.



Collective Bargaining: Legal Frameworks

Program Length

This program is designed for 3 days of instruction. The suggested class time is a 9 am - 5 pm schedule.

Number of Participants

10 - 20



What is in the Toolkit:

- 1) Instructor Guide
- 2) Participant Workbook
- 3) Manual
- 4) PowerPoint
- 5) Reorganization Scenario Video

The Instructor Guide

What's the purpose of this guide?

This facilitator guide provides a master reference document to help you deliver the Error! No text of specified style in document. program.

What will I find in the guide?

This facilitator guide is a comprehensive package containing

- The workshop delivery sequence
- Checklists of necessary materials and equipment
- Presentation scripts and key points to cover, and
- Instructions for managing instructional activities.



The Instructor Guide

How is the text laid out in a lesson?

Steps within a lesson are placed in a text block like this one. A margin icon is placed to the left of the text block to signal what information the block contains.

A list of the margin icons used in this guide is provided below.



The Instructor Guide

How is this guide organized?

The first section of the Instructor Guide, from pages 1-67 contains all of the preparation information for the program, such as learning objectives, pre-work, required materials, and room set-up.

Finally, the program itself is divided into *modules*, each of which is comprised of one or more *lessons*. A module is a self-contained portion of the program, usually lasting anywhere from 2 to 4 hours, while a lesson is a shorter (typically 30 – 60 minutes) topic area.

The second section of the Instructor Guide (Appendix B) from pages 68-126 includes a combined Instructor Guide/Participant Workbook for reference when teaching the course.



The Instructor Guide



The Participant Workbook

The participant workbook follows all the material being covered in the presentation. It tracks along with the following:

- Objectives for each section and activity
- Short quizzes
- Activities, and instructions and materials needed for those activities

The Instructor Guide will to the Workbook (Ex. “Refer class to page 13 in the Participant Workbook for this activity.”)



The Manual

The manual is the textbook for the course. It contains all of the material being covered in the class. By reviewing the manual, a member can take in all of the substantive material covered in the course. This class, however, is an interactive course, where concepts are drilled through a series of collaborative learning exercises.



AFGE Collective Bargaining Manual

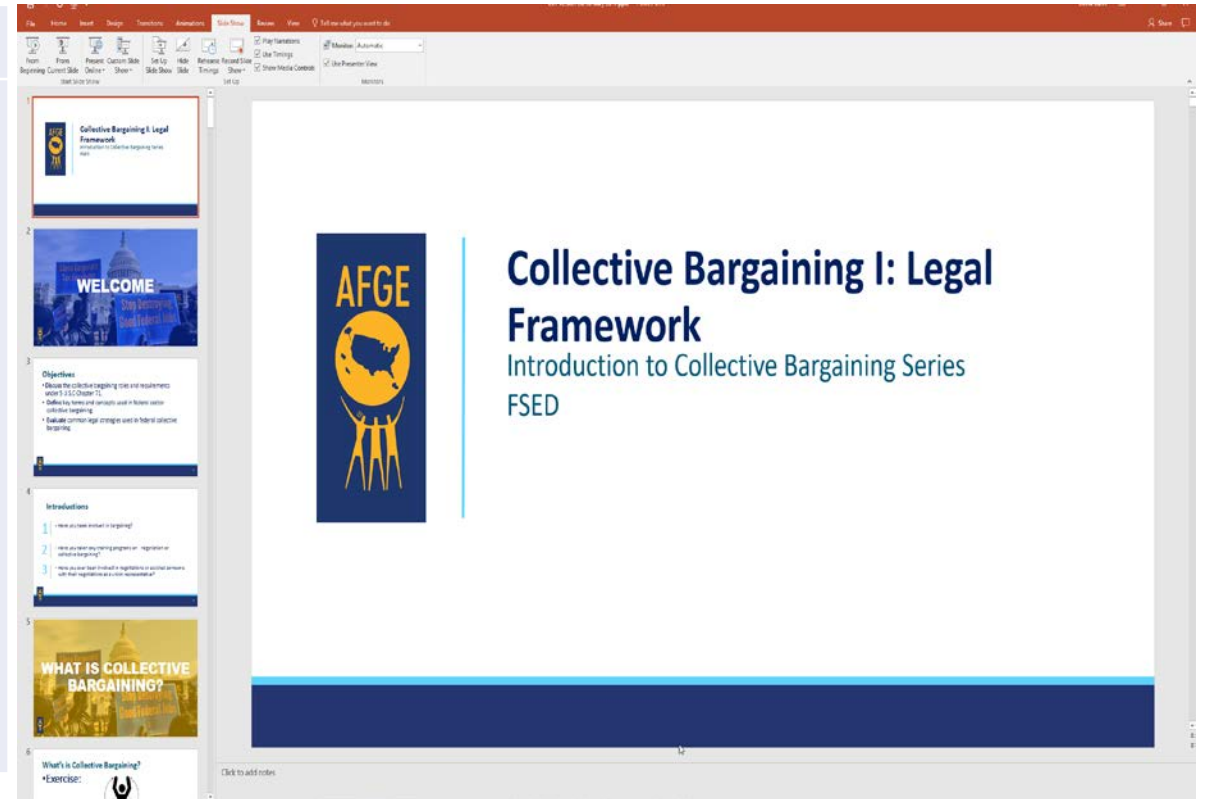


AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO 

The PowerPoint

The PowerPoint presentation complements the Instructor Guide.

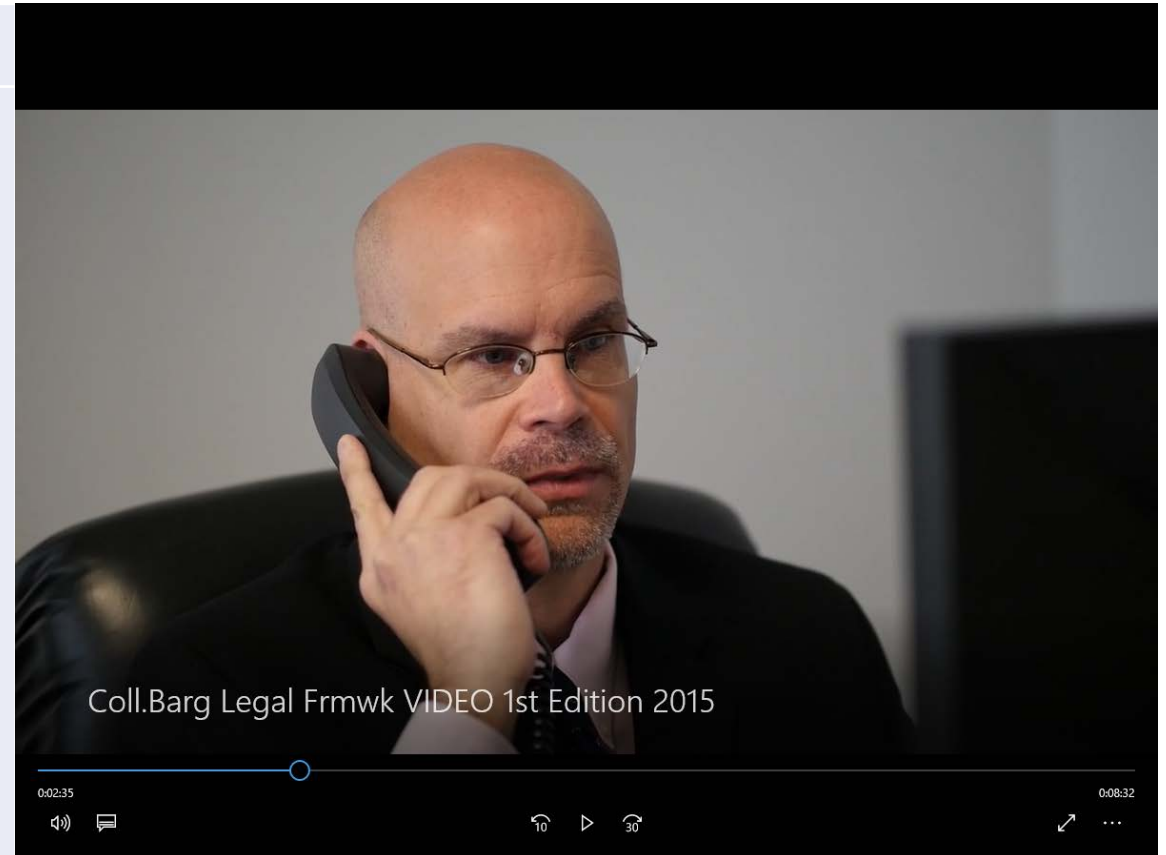
The Instructor Guide will direct the teacher when to refer students to the PowerPoint (ex. *“Show slide 20 Federal Collective Bargaining: Speaking the Language, Knowing the Players”*)



The Reorganization Scenario Video

The Reorganization Scenario Video is a supplemental tool for the Reorganization bargaining scenario. It includes some roleplaying, and an imbedded tutorial.

The Instructor Guide starts Day 2 with the video, to kick off the exercise (ex. “Bargaining begins with change, show Video PPT 53”)



Everything you need:

- 3-4 Laptops
- 5 USB drives
- Internet connection
- LCD projector and cables to laptop
- External/House Speakers (do not rely on laptop speakers)
- CB1 Workbook with handouts and exercises
- CB1 Course Manual
- CB1 Instructor Guide
- CB1 PowerPoint Presentation
- CB1 Reorganization Scenario Video
- 5 U.S.C. Chapter 71 Handout
- Flipcharts (1 with self-adhesive backing is recommended)
- Markers (for the trainer and a few for participant tables)
- Painter's Tape (or something to post flipchart paper)

The Content of the Class

Close Corporate Tax Loopholes

Stop Destroying Good Federal Jobs

Stop Destroying Good Federal Jobs



CONTENT	INSTRUCTOR	POWERPOINT/ ACTIVITY	PARTICIPANT WORKBOOK/STATUTE	DAY/ESTIMATED TIME
Overview		PPT: 1-3	<ul style="list-style-type: none"> Review materials Instructors introduce themselves 	Day 1
Welcome and Introductions		PPT: 4	<u>Workbook</u> : page 4	
What is Collective Bargaining?		PPT: 5-7 <u>Exercise</u> : What is Collective Bargaining	<u>Workbook</u> : page 5	
		PPT: 8-15	<u>Statute</u> : page 6 (definition 12)	
The Statute		PPT 16-19 <u>Exercise</u> : What is in the Statute?	<i>Hand out the Statute</i>	
		Debrief	<u>Statute</u> (various)	
Federal Collective Bargaining: the language, the players		PPT: 20-22 <u>Exercise</u> : Speaking the Language	<u>Workbook</u> : 13	
Exclusive Representative		PPT: 23-28	<u>Statute</u> : page 8 (definition 16)	
Speaking the language continued.		PPT: 29-31		
Substance vs. I & I bargaining (Appropriate Arrangements and Procedures)		PPT: 32-34	<u>Statute</u> : page 14-15	
		PPT: 35 <u>Exercise</u> : Substance vs I&I	<u>Workbook</u> : page 12-13	
Federal Collective Bargaining Process		PPT: 36-39		
Know Your Neutrals		PPT: 40-50	<u>Statute</u> : 9-14 (FLRA) <u>Statute</u> : 32-34 (FMCS/FSIP)	
		PPT: 51 <u>Exercise</u> : Know your Neutrals	<u>Workbook</u> : page 14	
DAY 1 REVIEW	<i>See APPENDIX A for review questions</i>			



CONTENT	INSTRUCTOR	POWERPOINT/ ACTIVITY	PARTICIPANT WORKBOOK/STATUTE	DAY/ESTIMATED DAY/ESTIMATED TIME	
Bargaining begins with Change		Show Video PPT: 53		Day 2	
Demand to Bargain		PPT: 54-60			
		PPT: 61 Exercise: DtB	<u>Workbook</u> : page 16		
Information Requests		PPT: 62-70			
		PPT: 71 Exercise: IR	<u>Workbook</u> : page 17-18 <u>Debrief</u> : page 42-43		
Strategic Bargaining		PPT: 72-77			
Writing Proposals		PPT: 78-84			
		PPT: 85 Exercise: PW I	<u>Workbook</u> : page 19-20		
		PPT: 86-87			
		PPT: 88 Exercise: PW II	<u>Workbook</u> : page 21 Appendix A		
Ground Rules		PPT: 89-97			
		PPT: 98 Exercise: PW III	<u>Workbook</u> : page 22		
Negotiability		PPT: 99-101			
DAY 2 REVIEW	<i>See APPENDIX A for review questions</i>				Option: Day 3 – AM Review
Proposal Review				Day 3	
Analytical Frameworks		PPT: 102-116	FLRA Guide to Negotiability (various)		
		PPT: 117 Exercise: Analytical Frameworks	<u>Workbook</u> : page 23-33		
Bargaining 101		PPT: 118 - 123			
Mock bargaining sessions		PPT 124 Exercise: Mock Bargaining			
Summary and Review		PPT: 125			



Introduction

- 1) Give an overview of the class (PPT 1-3), review materials and introduce yourself
- 2) Welcome and Introductions
- 3) Course Overview (Workbook 4)

INTRODUCTION

Employees join unions in the federal sector for the same reasons that people join unions in the private sector: they want to participate in setting their own working conditions, including pay and job security. In the federal sector, the law controls more of the working conditions, pay, and job security issues than in the case in the private sector, but the difference is one of degree. The purpose of this manual is to guide locals and bargaining councils in obtaining the best contract provisions, with the greatest amount of member participation, with the greatest side benefits, while recognizing that some problems can be better dealt with in other forums.

Unions—private sector as well as federal sector—rely on a variety of tools to serve their members. These can be summarized as mobilization, legislation, negotiation and litigation. It is critical to keep in mind that different problems can be best attacked by different methods. There is a major difference between saying that a particular issue is outside the scope of bargaining and saying that the union is unable to successfully deal with it.

The challenge to the union at all levels is to carry out a bargaining strategy that succeeds in achieving the highest priorities of the employees, with as little wasted effort as necessary, and in a way that the employees' actual participation in the process is high and the union's non-bargaining resources and goals are involved.

These factors all work together. Negotiations that focus on the highest priority problems for the employees are more likely to be successful than negotiations that address 150 minor issues, many of which are of minimal importance to the bargaining unit. The very decision to determine employee priorities begins the process of employee involvement. The more employee involvement, the greater the pressure on management to agree to the union's demands.

Federal collective bargaining can be challenging. Applying the various legal concepts in real-world situations necessarily engages a wide range of knowledge, creativity, and experience. The goal of this manual is to provide the union negotiator with the necessary skill and confidence to overcome possible attempts by management to avoid making improvements in the work environment.

Expert negotiators develop their abilities over time. The following is a list of important skills and attributes to be effective in the collective bargaining process:

- **Facts.** Know what you can and cannot do under the law. Understand what your members want and what they will support. Recognize your strengths and weaknesses, as well as the strengths and weaknesses of the agency. Plan accordingly. Preparation is essential to successful bargaining. A lack of planning can lead to disaster.
- **Patience.** Negotiations is a process involving people attempting to forge an agreement (or not). Recognizing when someone needs more encouragement to understand your position versus a stonewalling tactic may take more time than expected.
- **Temperament.** Effective negotiators come with different styles and perspectives. To be effective, however, requires self-awareness of your own capabilities and an ability to regulate your emotions to

What is Collective Bargaining

- 1) Class Exercise;- Class Writes what they think collective Bargaining is (Workbook 5)
- 2) Instructor reviews statutory definition of collective bargaining, role of bargaining in a union (PPT 5-7)

WHAT IS COLLECTIVE BARGAINING?

Objectives: At the conclusion of this session, participants should be able to:

- Describe the term "collective bargaining" and how it determines the relationship between the employees and the Agency.

Activity - Class Exercise

Write down five (5) words that define the term collective bargaining. The descriptions can be benefits, attributes, synonyms, etc. of the term collective bargaining.

Activity - Team Exercise

Working at your table, share your descriptors and, as a team, come up with a seven (7) word consensus definition or description of the term collective bargaining.

Activity - Share

Share your team definition with class.

7

The Statute

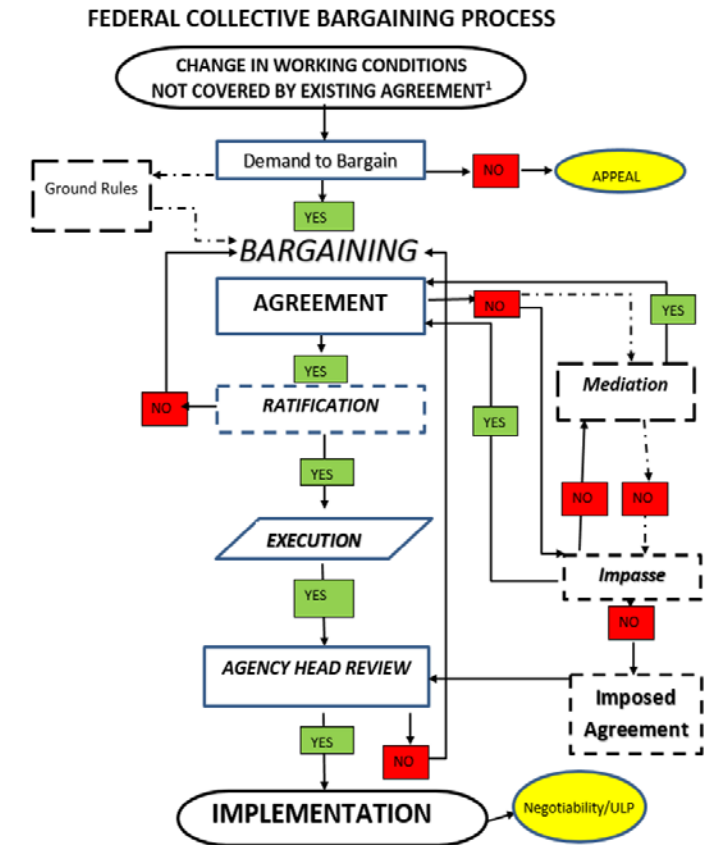
- 1) Instructor reviews the Statute in brief (PPT 5-7)
- 2) Participants answer questions about the statute as a team, using statute as reference (Workbook 7-12)

Exercise:
What's in the Statute?



Federal Bargaining Process


- 1) Instructor defines some key terms used in describing the participants in the collective bargaining process (PPT 19-22); Participants write short definitions for those terms (Workbook 13)
- 2) Instructor explains “exclusive representative” (PPT 23-27)
- 3) Instructor defines more process terms (PPT 28-30)
- 4) Instructor explains difference between substantive bargaining versus I&I bargaining (PPT 31-34); Participants classify scenarios as relating to substantive bargaining or I&I (Workbook 14-15)
- 5) Federal Bargaining Process explained in greater detail (PPT 36-39)
- 6) Know your neutrals (PPT 40-50); exercise identifying appropriate neutral/fact finder (Workbook 16)



Bargaining Begins: PT 1

- 1) Instructor shows CB1 Reorganization Scenario Video
- 2) Instructor reviews the demand to bargain process (PPT 54-60); participants draft demand to bargain for reorg scenario (Workbook 17-18)
- 3) Instructor reviews requirements and components of information request (PP62-70), participants draft mock information request for reorg scenario (Workbook 19-20)
- 4) Instructor reviews Strategic Bargaining Process (PPT 72-77)

DEMAND TO BARGAIN

 Team Activity - Goals for Workers' Compensation Programs

As a team, review the following notice and determine what steps would be appropriate for the Local to take to assist those members who are affected by this change in employment conditions.

U.S. Department of Important Stuff
Government Center
100 Washington Avenue
Pennstretoc, AZ 19000-3389

DATE: March 30, 20__

MEMORANDUM FOR: Julie Milly, Local President, AFGE Local 90001

FROM: Jon Imawatchin, Senior Advisor, Employee & Labor Relations
Ms. Marinda Agencia, Director, Office of Regulatory Affairs

RE: UNION NOTIFICATION-RELOCATION OF ADMINISTRATIVE OFFICE

Please accept this communication as notification pursuant to applicable provisions of the DIS/AFGE Agreement that the ORA will be relocating five bargaining unit employees in the Administrative Office to a new office facility on S2 Shale Street, four blocks from the main office location, effective December 1, 20__, to address current space restrictions. The affected employees are listed below:

- Alicia Bumbry, Program Officer, GS-12010-11
- Toni Smith, Program Specialist, GS-12010-10
- Jim Palmer, Program Officer, GS-12010-11
- Lisa May, Program Specialist, GS-12010-10
- Ken Singleton, Program Specialist, GS-12010-10

All employees will maintain their current supervisor, Earl Weaver.

If you have questions, please contact Earl Weaver, Director, Administrative Office, at 777.555.9999 or Jim Imawatchin, Senior Advisor, Employee & Labor Relations, at 777.555.9991.

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Analytical Frameworks

1) Instructor reviews reasons agency refuses to bargain, and how to assess and respond to the following (PPT 102-17)

- Rules and regulations
- Management rights
- Permissive subjects of bargaining
- The Covered-By doctrine
- Agency Head Review
- *De Minimis*
- Past Practice

2) Participants identify and propose counter-strategies to Agency efforts to refuse to bargain over reorg scenario Workbook (23-35)

SCENARIO 3: ASSIGNMENT OF MEDICAL ASSISTANTS

BACKGROUND:

Local 22000 and the Agency are engaged in impact bargaining over the agency's decision to change its practice regarding the assignment of medical assistants to accompany high-risk patients during routine daily treatments.

PROPOSAL LANGUAGE

The Union proposes continuation with the "status quo" of assigning medical assistants to accompany high-risk patients until good faith negotiations are completed. This will ensure that the high-risk patients will have the assistance of qualified medical assistants who will accompany them during routine daily treatments. This proposal is a negotiable arrangement and a procedure which the employer will observe while negotiating the action of changing a practice. The proposal will have no impact if it is not changing the current practice that is in effect.

AGENCY RESPONSE:

The Agency stated that the proposal would unduly restrict and interfere with the Agency's right to assign work to medical assistants.

Bargaining!

- 1) Bargaining 101- Roles, responsibilities and best practices in bargaining (PPT-118-123)
- 2) Participants engage in mock Bargaining over reorg scenario (PPT 124)
- 3) Summary and Review (PPT 125)

BARGAINING 101

