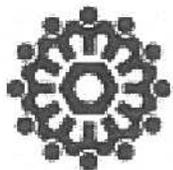
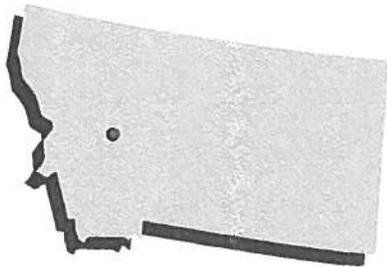


INTEREST BASED BARGAINING REFRESHER TRAINING

Presented by:
Board of Personnel Appeals
Collective Bargaining Unit



Montana Department of
LABOR & INDUSTRY
Employment Relations Division

ICE BREAKER



WHAT ARE YOUR EXPECTATIONS?

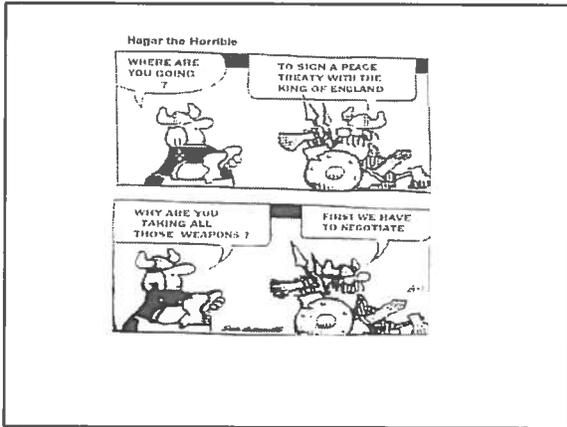


THE LABOR MANAGEMENT RELATIONSHIP



- Just what is it, anyway?
- What is the union representative's role?
- What is the supervisor's role?

Who is responsible for improving the relationship?



Conflict is Healthy!

Conflict is like pain

- Don't have to like it
- But it serves a purpose
- Tells you that something needs fixing
- So fix it



Don't view negotiations as a sign of
(or penalty for) failure...
look at it as an opportunity for improvement

The Marriage



Similarities?

- Long term
- Know secrets about each other
- Share collective memory of their joint past history

The big difference?
YOU CAN'T GET A DIVORCE!!!

- Even if the people change, the "units" are still in the relationship

**TRADITIONAL PROBLEM SOLVING
HAS TWO COMPONENTS**



POWER & PUNISHMENT

Power & Punishment

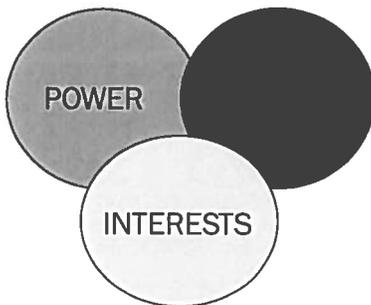
POWER:

1. The ability to keep something.
2. The ability to take something.

PUNISHMENT:

3. The ability to inflict punishment.
4. The ability to withstand punishment.

**The Three Ring Circus-
Power, Rights, Interests**



POWER

- **RESOURCES:** High
- **SATISFACTION:** One-Sided
- **COMPLIANCE:** As long as power is applied
- **RELATIONSHIP:** Risk of destruction
- **STRIKES**

RIGHTS

- **RESOURCES:** Generally costly
- **SATISFACTION:** Mixed
- **COMPLIANCE:** Until better opportunity comes
- **RELATIONSHIP:** Game playing
- **ARBITRATION**

INTERESTS

- **RESOURCES:** Time, talent
- **SATISFACTION:** Both interests satisfied
- **COMPLIANCE:** Very durable
- **RELATIONSHIP:** Mutual respect, partnership
- **INTEREST-BASED BARGAINING**

POSITIONAL vs. IBB

- | | |
|-----------------------|----------------------|
| • Issues | • Issues |
| • Positions | • Interests |
| • Arguments | • Options |
| • Power/Compromise | • Standards |
| • Settle:
Win-Lose | • Settle:
Win-Win |

What is Labor/Management Cooperation?

PHILOSOPHY



ATTITUDE

PROCESS

PHILOSOPHY

Espousing mutual interests in the operation of an organization in accordance with the values of a democratic society



ATTITUDE

One that values and nurtures an open climate of communication and cooperation and cooperation conducive to the mutual sharing of information and the building of trust

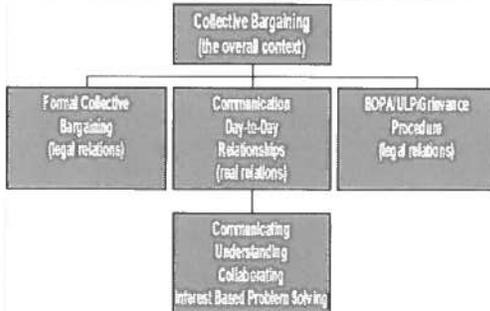


PROCESS

Providing a vehicle for participation in problem solving and decision making to improve the effectiveness of the organization and to enhance the quality of work life



STRUCTURAL OVERVIEW



Problem Solving Process

- ✓ To avoid overt or subtle domination of the team by high status persons or strong personalities.
- ✓ To generate a large number of potential solutions.
- ✓ To generate ways to discuss and analyze ideas without threatening those who presented the ideas.
- ✓ To set priorities among possible solutions in a way that is consistent with consensus decision making.
- ✓ To set personal responsibilities for follow-up actions, and to share these responsibilities

Interest Based Bargaining

A training program to increase your ability to bargain more effectively by turning *face-to-face* confrontation into *side-by-side* problem solving.

Goals – Participants will be given:

- An overview of the IBB process
- An opportunity to experience the process



P.A.S.T. MODEL

Principles

Assumptions

Steps

Techniques

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

ASSUMPTIONS

- Both parties have the right to exist
- Every interest is legitimate
- Both parties can have their interests met
- Problem solving enhances relationships
- Parties should help each other
- Open discussion expands mutual interests and options
- Standards can replace power relative to solutions
- Solutions are more durable and sustainable



STEPS

Identify issues

Identify interests

Develop options

Develop standards

Apply standards to options

Achieve a mutual gain agreement



TECHNIQUES

Consensus
Brainstorming
Idea Charting



Understanding Differences
Effective Communications

WORKING STYLES



Step 1: Identify Issues

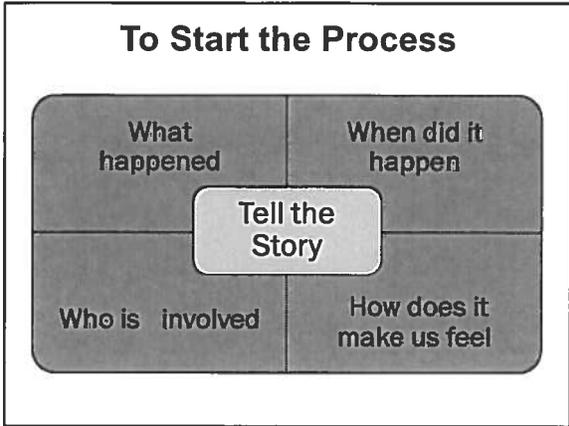
An issue is whatever the problem is that we are trying to solve.

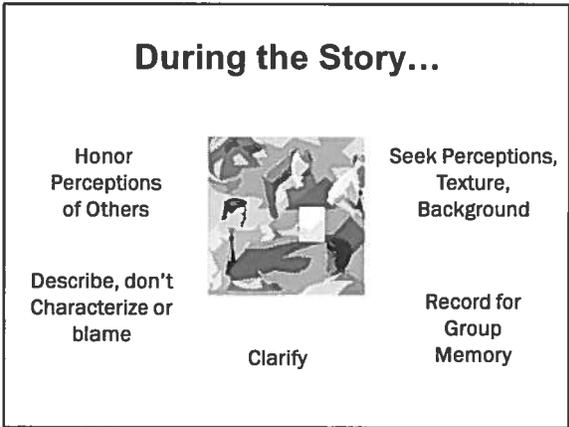
Examples:

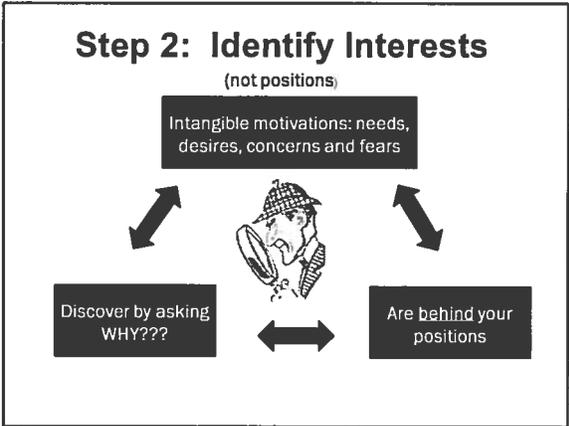
- Scheduling
- Overtime
- Work Assignments
- Leave Time



Issues are Neutral







Positions are Mutually Exclusive,
but Interests are NOT...



Position Taking Precludes Discovery of
Mutual Interests and Options

Example:

POSITION

I must have work
hours from 8:30
A.M. to 3:00 P.M.

INTEREST

I am concerned
about my child, who
will be home alone
after school until I
get home.



What's the Difference?

POSITION

One party's proposed
solution to an issue;

THE HOW

INTEREST

One party's concern,
need, desire, fear or
hope behind an issue;

THE WHY



Exercise A

Distinguishing Position Statements from Interest Statements



A Position Statement

- Focuses on a particular solution,
- Makes a demand, and
- Sets up confrontation before the problem had been clearly defined.

An Interest Statement

- Focuses on the problem,
- Articulates one of a range of needs, and
- Establishes a climate and common language so the real issue/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. Determined best by review of THE STORY.....

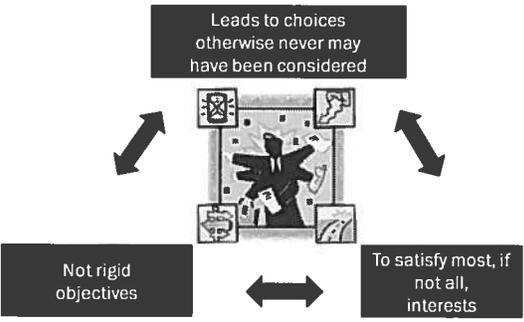


Exercise B

Developing
Interest
Statements

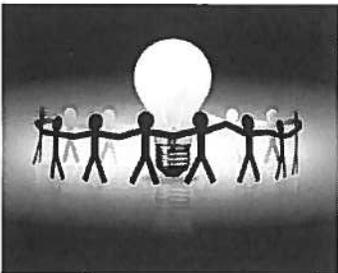
Step 3: Develop Options

Leads to choices
otherwise never may
have been considered



Not rigid
objectives

To satisfy most, if
not all,
interests

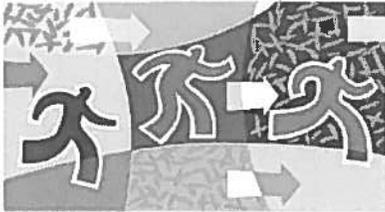


BRAINSTORMING

Rules of Brainstorming

- ✓ Always review rules before brainstorming
- ✓ Understand IDEAS not offers/proposals
- ✓ Everyone has the opportunity to suggest
- ✓ Combine, expand hitch-hike ideas
- ✓ Record for group memory
- ✓ Go for quantity and variety
- ✓ Be free-wheeling: use imagination – take risks
- ✓ Make no criticism

Exercise: Moving through Steps 2 & 3



Step 4: Develop Standards



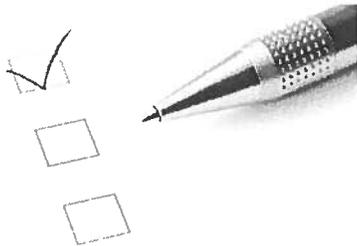
MUST BE DETERMINED BY CONSENSUS

Sample Standards/Criteria

- Area Standard
- Simple
- Ratifiable
- Legal
- Cost Effective
- Equitable
- Understandable

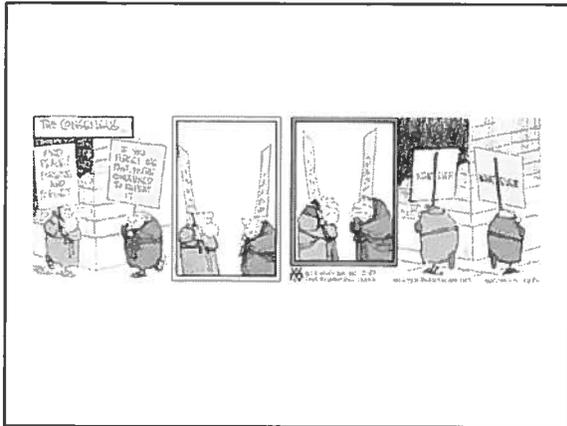


Step 5: Apply Standards to Options



Consensus Decision-Making





Definition of Consensus

A group reaches consensus when all members agree upon a single alternative, and each group member can honestly say:

I believe that you understand my point of view and that I understood yours.

Whether or not I prefer this decision, I support it because:

- It was reached fairly and openly, and
- It is the best solution for us at this time.



70% rule...

Our Definition....

“A decision everyone can live with.”



Creating Consensus

- Listen Actively
- Listen to ALL Ideas
- Yield to reason not to pressure
- Encourage participation
- Share information
- Combine ideas creatively
- Look for mutual gains approaches

BUT
DON'T

- Ø Horse Trade
- Ø Change your mind to get along
- Ø Argue for an idea just because it's yours

Benefits of Consensus

- Builds trust
- Build ownership of decisions
- Builds support and lessens opposition
- Eases implementation of changes
- Is very powerful



Obstacles to Consensus

Loss of focus
Stalemates
Blockers



<p>Loss of focus: re-focus issue broaden perspective</p>	<p>Stalemates: combine options</p>	<p>Blockers: Ask what group can do to address concerns</p>
---	---	---

Testing for Consensus

- Has everyone been heard?
- Is there anyone who can't live with the proposed solution?
- Dissenter obligations:
 - Explain why; and
 - Propose solution building on or modifying proposed solution

Another Simple Test





**No one just gives in;
No one gets all they want;
Not always a compromise;
But the best solution for us at this
time.**

**You can't always get what you want,
But if you try sometimes...
You just might find...
You get what you need.**



~Mick Jagger

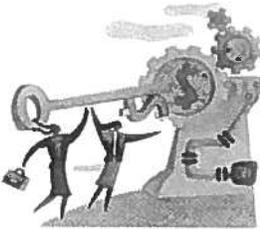
Consensus Exercise

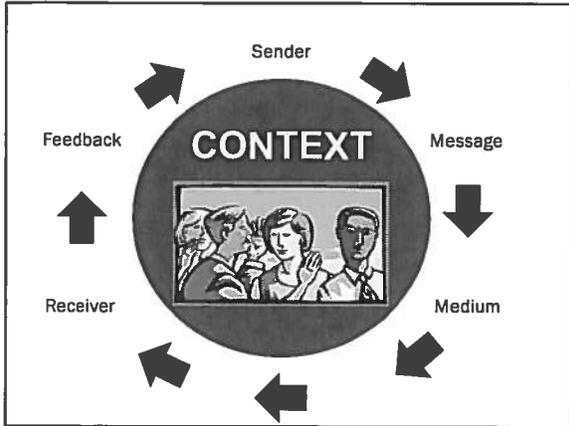


Step 6: Achieve Mutual Gain Agreement



Communication The Key to Making the Process Work





Feedback
The Most Important Part!

Feedback is how people know they are communicating; without it, the sender doesn't know if:

- The receiver got the message.
- The receiver understood the message.
- The receiver agrees or disagrees with the message.
- The receiver will react or respond.



I know you believe you understand what you think I said, but I am not sure you realize that what you heard is not what I meant...



Communication



Perceptions & Paradigms

❖ Perceptions – Your reality

❖ Paradigms – Your way of thinking



Perceptions



Your perception is how you see and hear things.



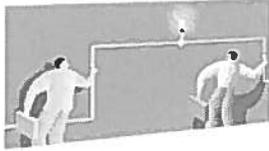
Your perception influences what you hear and affects how you respond



Some Factors:
• Age
• Gender
• Ethnicity
• Culture
• Personal History

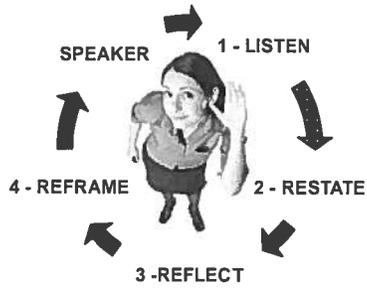
Paradigms

A framework in which you understand things.



Paradigms include the way organizations and groups believe how they understand things.

Active Listening The Four Stages



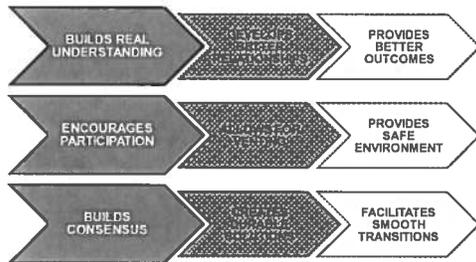
Exercise: Active Listening



Communication That Works

- Active Listening**
 - Look for emotion as well as information
 - Strive to understand
 - Provide feedback to indicate understanding
- Depersonalization**
 - Separate the person from the problem
 - Be objective
- Collaborative Attitude**
 - Look for common ground
 - Respect others' opinions and interests

Positive Effects



Communication That Does NOT Work

- ⊗ Interrupting
- ⊗ Hopefulness
- ⊗ Over-reacting
- ⊗ Redirecting responsibility
- ⊗ Rehearsing responses
- ⊗ Avoidance
- ⊗ Mind reading
- ⊗ Assuming others think like you
- ⊗ Criticizing the message
- ⊗ Pulling rank coercion



Negative Effects



Bad Communications

Misunderstanding and bad relationships

Hurt feelings

Lack of consensus

Status quo

Non-Verbal Communication



What to look for:

- Open posture
- Attentive attitude (the nod)
- Positive signals

What to look out for:

- Folded arms
- Hands covering mouth
- Hands at the ear, nose, mouth, throat
- Praying hands
- Clenched fists
- Hands behind head
- Hands over face
- Others???

Exercise: Information Sharing



Your Working Styles

The purpose of this quiz is to get some idea of your dominant working style. There are no “wrong” answers in the quiz, and several of the choices may appeal to you because your style is a combination of styles. For the purposes of this quiz, please read each statement and order your responses “1”, “2”, “3” and “4”. With “1” being the response that best describes you and “4” being the response that least describes you.

1. When performing a job, it is most important to me to:
 - a. _____ do it correctly, regardless of the time involved.
 - b. _____ set deadlines and get it done.
 - c. _____ work in a team, cooperatively with others.
 - d. _____ demonstrate my talents and enthusiasm.

2. The most enjoyable part of working on a job is:
 - a. _____ the information you need to do it.
 - b. _____ the results you achieve when it is done.
 - c. _____ the people you meet or work with.
 - d. _____ seeing how the job contributes to future progress.

3. When I have several ways to get a job done, I usually:
 - a. _____ review the pros and cons of each way and choose.
 - b. _____ choose a way that I can begin to work on immediately.
 - c. _____ discuss ways with others and choose the one most favored.
 - d. _____ review the ways, follow my “gut” sense about what will work best.

4. In working on a long term job, it is most important to me to:
 - a. _____ understand and complete each step before going to the next step.
 - b. _____ seek a fast, efficient way of completing it.
 - c. _____ work with others in a team on it.
 - d. _____ keep the job stimulating and exciting.

5. I am willing to take a risky action if:
 - a. _____ there are facts to support my action.
 - b. _____ it gets the job done.
 - c. _____ it will not hurt other’s feelings.
 - d. _____ it feels right for the situation.

YOUR WORKING STYLES: SCORE SHEET

Enter the numbers for each letter and add up the columns.

1. a. ____ b. ____ c. ____ d. ____

2. a. ____ b. ____ c. ____ d. ____

3. a. ____ b. ____ c. ____ d. ____

4. a. ____ b. ____ c. ____ d. ____

5. a. ____ b. ____ c. ____ d. ____

Your lowest score is your dominant style.

- a. Analytical
- b. Driver
- c. Amiable
- d. Expressive

Your Working Styles: Characteristics

High Responsiveness

Amiable Style

Slow at taking action & making decisions
Likes close personal relationships
Dislikes interpersonal conflict
Supports & “actively” listens to others
Weak at goal setting/self direction
ability to gain support from others
Works slowly & cohesively with others
Seeks security & a sense of belonging
Good counseling skills

Expressive Style

Spontaneous actions & decisions
Likes involvement
Dislikes being alone
Exaggerates & generalizes
Tends to dream, gets others caught up in it Excellent
Jumps from one activity to another
Works quickly & excitingly with others
Seeks esteem & a sense of belonging
Good persuasive skills

Low Assertiveness

Analytical Style

Cautious actions & decisions
Likes organization & structure
Dislikes involvement with others
Asks many questions about specific details
Prefers objective, task oriented work environment
Wants to be right/relies too much on data collection
Works slowly & precisely, alone
Seeks security & self-actualization
Good problem solving skills

High Assertiveness

Driver Style

Firm actions & decisions
Likes control
Dislikes inaction
Prefers maximum freedom to manage self/others
Cool & independent, competitive with others
Low tolerance for feelings/attitudes/advice from others
Works quickly & impressively alone
Seeks esteem & self-actualization
Good administrative skills

Low Responsiveness

MAKING THE MOST OF YOUR WORKING STYLES

YOUR STYLE → OTHER STYLE ↓	ANALYTICAL	DRIVER	AMIABLE	EXPRESSIVE
ANALYTICAL	A deadly combination, run for your nearest driver! Establish priority of tasks to be done. Commit to firm time frames for your work and stick to them.	Take a deep breath, relax and slow down. With analyticals, you need to demonstrate that you have considered <u>all</u> (okay, most) options or outcomes before moving ahead.	Cut short the social hour, and get right down to the specifics. The more information you have to support your position the better.	Translate your vision into specific tasks or goals. Involve analytical in research and developing the details of the plan of action.
DRIVER	Organize your work around major themes, prepare "executive summaries" with headings or bullets that state the conclusions first and support data and analysis second.	Get a car with a good set of brakes, cause you will need them! Before revving up and driving over a cliff, remind each other of your similarities and your need to adopt qualities of the other styles.	Put on your thick skin, don't take anything personally. Getting results is what counts with drivers, be decisive and dynamic. Emphasize the bottom line.	Take time to think about what your vision really is, translate it into action steps with objectives and timelines.
AMIABLE	Start off on a personal note, gravitate to project specifics and expectations; emphasize the greater good of the project.	Spend time up front gaining trust and confidence, be charming and inclusive. Be sure to be specific about deadlines, even when it seems obvious.	Laugh with each other about how important being warm and fuzzy is. Then focus on what we really need to accomplish here, then <u>do it</u> .	Tell them how important the team concept is to making your vision a reality. Give the amiable the job of building the team to make the dream come true.
EXPRESSIVE	Jazz up your presentation, try to think of the BIG picture... involve the expressive in developing the "vision" or marketing of the plan.	Be patient and try to work with a flip chart or harness creative spirits. Emphasize time lines and due dates. Build in flexibility to allow the free reign of creativity.	Charm the expressive with your appreciation of their vision and creativity. Harness this energy to deal with the pesky, but important details that only they can address.	Now that you have discovered the solution to world hunger, find someone who can actually make it happen!

EXERCISE A

Distinguishing Positions from Interests

Definitions:

- POSITION: One party's solution to an issue
- INTEREST: One party's concern about an issue

Directions: Under each issue listed below are two statements. One represents a position on the issue. The other represents an interest on the issue. Place "P" next to the position and an "I" to the interest.

1. Issue: Neighbor who has a dog that barks loudly and very late at night.

Statements:

- ___ a. I will not put up with your dog barking at night any longer and will file a complaint with law enforcement the next time it happens.
- ___ b. When your dog barks at night it wakes me up and I am unable to get back to sleep for an hour or more. My job is suffering because I am so tired at work the next day.

2. Issue: A Fed Ex Employee who leaves deliveries outside at your house no matter what the weather, and varies between the front and back door.

Statements:

- ___ a. When you leave a package by my front door I may not find it for days because I don't use that door, and it is not protected from rain.
- ___ b. The next time you leave a package outside my front door and it rains I am going to complain to your boss and demand the company replace the ruined item if it has rained.

3. Issue: Family members who take dishes to the sink after eating but do not rinse them off or put them in the dishwasher.

Statements:

- ___ a. I'm not going to cook any more if there are any dishes in the sink when I'm ready to start the next meal.
- ___ b. When the dishes are not at least rinsed off right after being used the food gets dry and hard, has to be soaked off, and makes it very difficult to start making the next meal.

EXERCISE B

Converting Positions to Interests

Definitions:

- INTEREST: One party's concern about an issue
- POSITION: One party's solution to an issue

Directions: Listed below are issues involving two parties. In each situation, both parties have taken a position. Convert those positions into a list of possible interests these positions might express.

1. Issue: Family deciding how to spend \$35,000 inherited money.

Wife's position: I must have money in savings and a place to live with at least three bedrooms before we can have children.

Wife's interests:

Husband's position: Now, we will finally be able to enjoy some of our time off and do some traveling before we have children.

Husband's interests:

2. Issue: A customer complaining about a meal that has already been eaten.

Customer's position: I will not pay for the meal as the food was not cooked correctly.

Customer's interests:

Waitress' position: You must pay for the food you have already eaten.

Waitress' interests:

Steps 2 & 3

Converting Positions to Interests & Developing Options

Definitions:

- **INTEREST:** One party's concern about an issue
- **POSITION:** One party's solution to an issue

Directions: Listed below are issues involving two parties. In each situation, both parties have taken a position. Convert each statement representing a position into a list of possible interests these positions might express.

ISSUE: A customer returning an undamaged article to the store without a receipt.

Customer's position: I must have my money back.

Customer's interests:

Store Clerk's position: I won't refund your money without a receipt.

Store Clerk's interests:

Developing Options Based on Interests

ISSUE: A customer returning an undamaged article to a store without a receipt.

OPTIONS:

The River Crossing

Below is a short story you are to read. Individually, answer the questions that directly follow the story.

A young woman is married to a man who works very hard and travels a great deal. She often feels neglected. When the husband goes off on yet another trip, the young woman meets an attractive man who invites her to his house. In order to get to his house she must cross the river bridge. She spends the night and at dawn she leaves, knowing her husband is returning home. When she gets to the bridge she is unable to cross because a madman is blocking the entrance and killing all who try to cross.

The young woman follows the river and meets the ferryman, but he demands thirty dollars to take her to the other side. She has no money. She runs back to her lover and asks for \$30.00; he refuses to help. The woman then seeks help from a platonic friend who lives close by. She runs to him and explains her plight. The friend refuses to help; she has disillusioned him with her conduct. Her only choice is to go via the bridge in spite of the danger, and the madman kills her.

In what order do you hold the principals (woman, husband, lover, madman, ferryman, and friend) responsible for this tragedy?

INDIVIDUAL RANKING

1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____

GROUP RANKING

1. _____ 2. _____ 3. _____ 4. _____ 5. _____ 6. _____



**BOARD OF
PERSONNEL APPEALS**

**Interest Based Negotiations
Cheat Sheet**

DEFINITIONS

- ISSUE:** topic or subject of negotiation
- POSITION:** often in the form of a demand, preclude exploration of mutual interests, often mutually exclusive; the how
- INTEREST:** concerns, needs, desires behind the issue; the why
- OPTION:** potential solutions that satisfy the interests
- STANDARDS:** objective criteria to compare and judge options

PREPARE FOR NEGOTIATIONS

- Educate constituents
- Seek information
- List issues and interests

OPEN NEGOTIATIONS

- Share and discuss the issues
- Develop joint issues

NEGOTIATE WITH "IB" PROCESS

- Jointly select an issue
- Develop the story through perspectives
- Record information (flip chart/projector)
- Develop interests
- Discuss and clarify interests
- Identify mutual interests
- Brainstorm options that satisfy one or more interests; other interests, clarify options
- Propose possible standards
- Clarify each proposed standard
- Reach consensus on standards
- Discuss each option
- Amend, combine, develop new options
- Apply standards/interests to options
- Eliminate options which meet few or none of the standards/interests (banana splits)

- Combine options that meet standards/interests
- Reach consensus on the solution
- Draft the solution
- Check consensus on written solutions

**SUMMARY OF P.A.S.T
PROBLEM SOLVING**

P.A.S.T problem solving is based on Principles, Assumptions, Steps, and Techniques used 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

Assumptions

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

Steps

- ✓ Prepare for Interest-Based Problem Solving
- ✓ Identify Issues (develop the story)
- ✓ Identify Interests
- ✓ Develop Options
- ✓ Develop Standards
- ✓ Judge Options with Standards/Interests
- ✓ Achieve Resolution

Techniques

- ✓ Brainstorming
- ✓ Consensus Building
- ✓ Problem Solving
- ✓ Idea Charting
- ✓ Others

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