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
- Positions
- Arguments
- Power/Compromise
- Settle: Win-Lose

- Issues
- Interests
- Options
- Standards
- Settle: Win-Win

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**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 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

- Collective Bargaining (the overall context)
- Formal Collective Bargaining (legal context)
- Communication
  - Interpersonal Relations (face-to-face)
  - Telephone
- Mediation
- Arbitration
- Information
  - Interpersonal
  - Technical
  - Legal
- Interests-Based Problem Solving
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
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
To Start the Process

What happened
When did it happen
Tell the Story
Who is involved
How does it make us feel

During the Story...

Honor Perceptions of Others
Seek Perceptions, Texture, Background
Describe, don’t Characterize or blame
Record for Group Memory
Clarify

Step 2: Identify Interests

(not positions)
Intangible motivations: needs, desires, concerns and fears

Discover by asking WHY???
Are behind your positions
Positions are Mutually Exclusive, but Interests are NOT...

Position Taking Precludes Discovery of Mutual Interests and Options

Example:

<table>
<thead>
<tr>
<th>POSITION</th>
<th>INTEREST</th>
</tr>
</thead>
<tbody>
<tr>
<td>I must have work hours from 8:30 A.M. to 3:00 P.M.</td>
<td>I am concerned about my child, who will be home alone after school until I get home.</td>
</tr>
</tbody>
</table>

What's the Difference?

<table>
<thead>
<tr>
<th>POSITION</th>
<th>INTEREST</th>
</tr>
</thead>
<tbody>
<tr>
<td>One party's proposed solution to an issue; THE HOW</td>
<td>One party's concern, need, desire, fear or hope behind an issue; THE WHY</td>
</tr>
</tbody>
</table>
Exercise A
Distinguishing Position Statements from Interest Statements

<table>
<thead>
<tr>
<th>A Position Statement</th>
<th>An Interest Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Focuses on a particular solution,</td>
<td>Focuses on the problem,</td>
</tr>
<tr>
<td>Makes a demand, and</td>
<td>Articulates one of a range of needs, and</td>
</tr>
<tr>
<td>Sets up confrontation before the problem had been clearly defined.</td>
<td>Establishes a climate and common language so the real issue/problem can be understood, discussed and negotiated.</td>
</tr>
</tbody>
</table>

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
- Ratifiable
- Cost Effective
- Understandable

- Simple
- Legal
- Equitable

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

• Horse Trade
• Change your mind to get along
• 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

Loss of focus: ask for broader perspective
Stalemates: combine options
Blockers: ask what group can do to address concerns
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
1. LISTEN
2. RESTATE
3. REFLECT
4. REFRAME

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

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/roercion

Positive Effects
- Builds Real Understanding
- Provides Better Outcomes
- Encourages Participation
- Provides Safe Environment
- Facilitates Smooth Transitions

Facilitates Smooth Transitions
- Pevious Outcomes
-setter

Provides Safe Environment
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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/relied too much on data collection
- Works slowly & precisely, alone
- Seeks security & self-actualization
- Good problem solving skills

**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
<table>
<thead>
<tr>
<th><strong>Makqng The Most Of Your Working Styles</strong></th>
</tr>
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<tbody>
<tr>
<td><strong>Analytical</strong></td>
</tr>
<tr>
<td>Take a deep breath, relax and cut short the social hour, and consider the facts or goals.</td>
</tr>
<tr>
<td>When you have discovered the facts or goals, analyze in research and develop your position.</td>
</tr>
<tr>
<td>The more information you have, the more likely you are to demonstrate the conclusions, first and foremost.</td>
</tr>
<tr>
<td>Start the personal notes.</td>
</tr>
<tr>
<td>Spend time up front gaining their trust and confidence, be patient and try to work with them.</td>
</tr>
<tr>
<td>Commit to firm time frames you have considered all... (okay, to support your position the development of the vision or involve the expressive in the conclusions first and foremost).</td>
</tr>
<tr>
<td>Organizing your work around objectives and timelines.</td>
</tr>
<tr>
<td>Bottom line.</td>
</tr>
<tr>
<td>Put your thick skin on. Don't get anything personally.</td>
</tr>
<tr>
<td>Build in energy to deal with the pesky, and creative. Charm the expressive with your appreciation of their vision.</td>
</tr>
<tr>
<td>They can address.</td>
</tr>
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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