

COLLECTIVE BARGAINING

STATUTORY REQUIREMENTS,
PREPARATION AND HAVING A
POSITIVE EXPERIENCE

Open Meeting Laws

I.C. 74-206A (Effective until 7/1/20)

**Requires labor negotiations to be conducted in open session.
(including meetings with labor arbitrators, mediators or
similar labor dispute facilitators)**

Allows an executive session for limited purposes:

- consider labor contract offer or to formulate a counteroffer; or
- receive information about a specific employee, when:
 - 1) it has direct bearing on the issues being negotiated; and
 - 2) a reasonable person would conclude it would violate an employee's right to privacy

All documents exchanged between the parties are subject to disclosure laws. (i.e. offers, counteroffers, meeting minutes etc.)

Notice of all negotiation session must be posted at the earliest possible time practicable.

Public testimony, if any, shall be posted as an agenda item.

Notice shall be posted on the front page of the city's official website.

If time permits, notice shall be posted within twenty-four (24) hours at the city's regular meeting physical locations.

Statutory Collective Bargaining Rights

Only firefighters and school teachers have the statutory right to collective bargaining.

Some cities have elected to recognize other bargaining units and enter into collective bargaining with them.

Firefighters

Firefighters = paid members, except supervisors, of a regularly constituted fire department.

Bargaining rights

To be represented by a bargaining agent.

Wages, rates of pay, working conditions and all other terms and conditions of employment.

Written notice of a request for collective bargaining relating to matters requiring appropriation of money must be served on the city at least 90 days before the last day on which money can be appropriated by the city.

City duties –

Bargain in good faith.

Meet with bargaining representatives and agent within 10 days after receipt of written notice from the bargaining agent.

If unable to reach an agreement within 30 days from the date of the first meeting, submit unresolved issues to a Fact Finding Commission.

Fact Finding Commission (3 members)

One selected by the city

One selected by the bargaining agent

One selected by the 2 other members (becomes the chairman)

- If the 2 factfinders can't agree, the third member is selected by the Department of Labor.

Process

Commission sets time and place for hearing and gives written notice to the city and bargaining agent.

All interested parties entitled to be heard, present materials and cross-examine witnesses.

Hearing conducted by all members of commission, but only a majority required for a determination of the controversy.

Written recommendation of commission delivered to bargaining agent, city and other parties requesting such recommendations.

EFFECTIVE PREPARATION

Selection of Bargaining Team

Research, compilation and format of data

MAKING BARGAINING A POSITIVE EXPERIENCE

Know who is on the other teams ahead of time

Set and follow agreed upon ground rules

Develop a relationship with the negotiators

Consistency of the bargaining team

Develop an understanding of each other and their issues

Give members of the bargaining team members sufficient authority/guidance to be able to make meaningful decisions

QUESTIONS?