



Collaborative Interest Based Problem Solving

Presented by

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ORIENTATION TO INTEREST BASED PROBLEM SOLVING

At its most fundamental level, Interest Based Problem Solving can be defined as an alternative style of problem solving that trained adversaries use to achieve positive results for both parties. It is a style that uses critical beliefs, principles, techniques and steps that are distinctly different from the traditional adversarial problem solving. The emphasis in traditional problem solving is on the relative power of the parties and their willingness to use it both in regard to specific issues as well as their contract negotiations. Interest Based is a problem solving approach that focuses on the interests of the parties.

Why consider an alternative approach to solve problems? We know and understand the techniques of the traditional problem solving approach, which has and continues to serve us well. The answer is change.

Change has become the mystical formula for organizations, corporations, unions, individuals, and whole communities. The speed of change continues to accelerate with no end in sight. The proliferation of downsizing, rightsizing, contracting out, merging and plant closures has created an atmosphere of fear and uncertainty. Automation, technology, information, greed and the economy, good or bad, provide the fuel that drives this unquenchable need for change.

In this seemingly endless quest to improve quality, reduce inventories, cut costs and increase profitability, we are faced with a paradox: We must reduce the issues from the desired to what is needed. Therefore, we are faced with the task of educating our employees/members to the reality of the market place, while their numbers are being reduced and those who survive see their workloads increasing,

Interest Based is not the next step in the evolution of union/management's problem solving concept. It will not, and should not, be seen as a replacement to the traditional approach that the parties must embrace. It is an alternative, an additional tool, which offers distinct advantages in a proper setting. Among those potential advantages are:

- An enhanced and positive relationship
- Heightened respect and trust between the parties
- Resolved issues with more elegant solutions in terms of needs and permanence

The use of IBPS to gain advantage or in an improper setting will fail, resulting in not only a switch to traditional problem solving (who has the power?) but likely increased suspicion and distrust with consequent damage to the relationship.

What has worked in the past may not result in the best possible solution in this world of computers, faxes, cell phones, e-mail and the explosion of information via the Internet. This is an age of survival for those who are able to stretch, learn and take only calculated risks. For those locked into old traditional practices and unwilling to accept the need for change and adapt, it is an age of stress, bitterness and loss of employment.

IBPS is a model that requires initial joint training and the use of a facilitator to assist the parties during the problem solving process. Since there are myriad variations in models used, it is advisable to use the same entity for both training and actual problem solving facilitation.

Interest Based Problem Solving model is also known as Best Practice, Integrative, Mutual Gain and Principled Bargaining among others.

The model used by the Federal Mediation & Conciliation Service is an adaptation of the PAST version developed by Dr. Jerome T. Barrett when he was with the U. S. Department of Labor.

IBPS MODEL SELECTION SEQUENCE

Initial Inquiry and Assessment

Generally the starting point is a group presentation that outlines the critical beliefs, principles, steps and techniques that are necessary to effectively use the process. Of particular importance is the ability of the potential participants to accept the underlining critical beliefs and principles. Since behavior is driven by beliefs, potential participants have an early test of their possible success in using the IBPS model. An inability to embrace the critical beliefs and principles of IBPS will translate into an inability to successfully follow the steps and use the techniques.

Also, this initial inquiry should focus on the other requirements that define a proper setting for the IBPS model. These include, but are not limited to the following:

1. The willingness of the parties to fully share information.
2. Commit to train an equal number of union and management recorders.
3. A willingness to forego the use of power and leverage in addressing issues.
4. An understanding and acceptance of the IBPS model by constituents.

A. Committee Training

Joint training of all union and management committee members, alternates and recorders is critical to successful use of IBPS. The task for committee members is not only to learn the steps and techniques of IBPS but also to extinguish some behaviors that are fatal to IBPS, but are instinctive to practitioners of traditional problem solving. The training culminates with hypothetical issues, which tests the committees' ability to work the IBPS model to completion. A failure to reach successful conclusion on a simulation may signal the inadvisability of the parties switching from traditional problem solving methods.

C. Establish Guidelines

Prior to using the IBPS model the group needs to develop written guidelines. These guidelines should cover meeting times, places and specific time frames for such sessions (length of meeting may be determined by the issues).

D. Using the IBPS Model with Facilitation

The likelihood of success rises dramatically when the joint committees are trained, and the process is facilitated and uses trained in-house union/management facilitators/recorders.

CRITICAL BELIEFS

- Resolving issues with livable solutions before becoming grievances, like other phases of the collective bargaining process, enhances the relationship.
- Solutions that satisfy mutual interests are more durable.
- Parties should help each other achieve a positive result.
- Mutual gain is possible.
- Solutions based on mutual interests obviate the need to rely on power.

SUPPORTING PRINCIPLES

These principles stem from learning gleaned out of experience and behaviors of participants that generate positive outcomes for both parties. While they originated in observations of traditional problem solving, what sets them apart in the Interest Based Problem Solving model is their consistence in producing livable solutions.

- *Sharing information* is critical for reaching livable solutions.
- *Focus* on the *issues*, not on personalities.
- *Focus* on the *interests* and *concerns* underlying the issues, not on positions.
- *Focus* on *mutual interests* and helping to satisfying the other party's interests as well as your own.
- *Judge options* with mutually agreed upon criteria, rather than power or leverage.
- *Focus* on *reaching livable solutions*, not on the past.

INTEREST BASED TECHNIQUES

Active Listening: Is the capacity to hear effectively, understand the words as well as the emotions and body language of the speaker.

Brainstorming: Used to develop options and criteria. The parties become more creative by restricting evaluation and not assuming ownership of ideas.

Consensus Decision Making: Arriving at agreements that all members of the committee or team will support. Used when selecting criteria for judging options, selecting options that meet the criteria and arriving at livable solutions.

Recording: Used to set forth all ideas of the group on flip charts and display pages on the walls so that the group can have a common focus, reduce misunderstandings and unify the group effort.

Process Checking: Is a technique for monitoring adherence to the IBPS model and interactions of the group.

INTEREST BASED PROBLEM SOLVING STEPS

1. *Select, clarify* and *focus* on the issue
2. *Share* and *discuss* all interests and concerns
3. *Generate* options
4. *Establish* criteria
5. *Test* the criteria to the options
6. *Develop* and *Capture* the livable solution in writing
7. *Apply* the livable solution

Basics of...

Interest Based Problem Solving



The following pages summarize key points from the lecture on the Interest Based model.

What is Interest Based Problem Solving? A problem solving process conducted in a principled way that creates effective solutions while improving the relationship.

Approaches...



| | <u>Traditional</u> | <u>Interest Based</u> |
|------------------------|--|---|
| <i>starting points</i> | position | interests/concerns |
| <i>strategy</i> | makes gradual adjustments to positions | jointly develop options |
| <i>solutions</i> | defer to the powerful or trade | use criteria to narrow options; decide by consensus decisions |

Strategies...



Traditional

Attack individuals; discredit them to discredit their positions.

Present your position and your information supporting it.

Insist on your best interest position.

Act in your own best interest.

Use power...pressure to get your best interest solution.

Interest Based

Attack the problem.

Focus on the issue, not on personalities or the past.

First explore all interests to define the issue clearly.

Be open to possibilities and opportunities.

Help satisfy as many interests as possible.

Define a livable solution mutually using criteria.

Critical Beliefs...



The following critical beliefs must be mutually shared and supported 100%.

- Resolving issues with livable solutions before becoming grievances, like other phases of the collective bargaining process, enhances the relationship.
- Solutions that satisfy mutual interests are more durable.
- Parties should help each other achieve a positive result.
- Mutual gain is possible.
- Solutions based on mutual interests obviate the need to rely on power.

Principles...



The following principles support the interest based problem solving process.

- Sharing information is critical for reaching livable solutions.
- Focus on the issues, not on personalities.
- Focus on the interests and concerns underlying the issues, not on positions.
- Focus on mutual interests and helping to satisfying the other party's interests as well as your own.
- Judge options with mutually agreed upon criteria, rather than power or leverage.
- Focus on reaching livable solutions, not on the past.

Definitions...

| | |
|--------------------------|--|
| issue | a subject under discussion or investigation; the what, the problem to be resolved |
| interest | one party's concern, need or desire, behind an issue; why the issue is being raised |
| mutual interest | an interest both parties hold in common |
| separate interest | an interest only one party holds, but not necessarily one that interferes with or precludes an interest of the other party |
| best interest | an interest solely representing one party's position without regard for the other party |
| position | one party's proposed solution to an issue; the how to |
| option | a potential, often partial, solution that can meet one or more interests |
| criteria | an agreed upon qualities of a livable solution |
| settlement | a traditional negotiated agreement, usually based on power, compromise or a combination of both |
| livable solution | an acceptable solution to both parties, which both parties will support 100% |
| principle | a behavior which supports the way the parties deal with each other |

Techniques...



The following pages describe techniques commonly used in the interest based problem solving process.

Brainstorming...



Definition brain-storm, storm n 1: a violent transient fit of insanity
2a: a sudden bright idea, 2b: a harebrained idea

Brainstorming is a technique used to generate ideas. Brainstorming involves everyone, permits new and unusual ideas to surface, produces many choices, encourages synergy, and discourages evaluation. All participants contribute ideas; a recorder captures every idea as suggested.

When to use it Use brainstorming to create options.

Benefits Brainstorming helps participants to:

- involve everyone in the problem solving process,
- develop creative and innovative ideas,
- generate options which satisfy interests/concerns,
- enlarge the pool of options.

Tips for better brainstorming:

- * Be freewheeling.
Imagine. Wonder. Dream. Share mental images, synonyms, plays on words, free associations, farfetched ideas. Take risk; don't censor your own ideas or those of others.

- * Build on others ideas.
Listen and combine, adapt, expand, hitchhike, piggyback.

- * Aim for quantity.
The more ideas you bring out, the better. Don't worry about similarities and duplicates or about completing or fine tuning an idea. Get all of the possibilities out first.

- * Work through a pause.
Be patient when ideas slow down. Your task isn't done at the first pause. When you hit a lull, work (or play) harder; push through it. Quitting too soon prevents original ideas from being heard.

- * Break set.
Escape the boundaries of logical thinking and old "mind sets". Don't worry for now about tradition, precedent, or budget, time staff or other constraints.

What to avoid Do not critique, evaluate, ridicule or otherwise comment negatively on any idea during brainstorming. A participant who hears immediate criticism may feel inhibited and withdraw from the process. Though the first idea that comes to mind may not be the best, criticism interrupts the flow of a developing idea.

Consensus Decision Making...



Definition A consensus decision is one about which each group member can and honestly say:

I believe that you understand my point of view and that I understand yours. Whether or not I prefer this decision, I can support it 100% because...It was reached fairly and openly... It is a livable solution for us.

When to use it Use consensus decision making to:

- establish guiding principles
- establish criteria
- agree upon a livable solution
- develop a joint statement

Benefits Consensus decision making helps a group to:

- make decisions openly and fairly
- surface differences
- encourage everyone's input
- establish group synergy
- get support for and commitment to its decisions

What to avoid *Reaching agreements too quickly.*

This could mean that some participants have "caved in" rather than truly accepting the option. Check again for possible reservations or unmet concerns.

Blocking.

Avoid arguing blindly for your option. Ask the consensus blocker to suggest an option or modification of an option he/she could support. Each participant has a responsibility to be specific with an alternative. Saying no is not acceptable nor is it being responsible.

Bargaining or trading support.

Remind participants that this decision stands alone, that there is no guarantee of a future reward, and that they will be called upon to support and implement it. Ask again, if everyone is supporting this decision.

Flipping a coin, settling for an average or using other conflict reducing techniques to decide.

Groups committed to making consensus decisions don't see differences as problems but as opportunities to explore the alternatives further. They respect the synergistic possibilities for working through differences and ultimately create better solutions by recognizing and integrating important features of the alternatives.

Voting.

A consensus decision is not the one that got the most votes; it is the one that has everyone's support.

Lack of participation and/or information.

Don't accept silence by some participants as support or agreement. Encourage everyone to share their views during the discussion. A silent partner is not a responsible participant. When checking for consensus in the group, you may want to ask each participant individually. "Do you support this decision?"

Active Listening...



Definition Active listening is the capacity to hear effectively, understand the words as well as the emotions and body language of the speaker. It also includes asking questions to verify or expand upon the information received.

- When to use** Use active listening when you:
- gather information from constituents
 - establish guiding principles
 - select an issue
 - discuss interests/concerns
 - convert positions into interests
 - discuss options
 - define criteria
 - evaluate/test options
 - develop livable solutions
 - communicate results to constituents

Benefits

Active listening helps to:

- uncover meaning
- encourage sharing
- learn what's important to people and why
- reveal mutual and separate interests
- create an environment of openness
- develop an accurate understanding

Tips

Use paraphrasing to show the other party that you understand:

- that they have strong feelings about an issue
- what they feel strong about
- why they feel strong about it

Explain your own feelings to the other party:

- refer back to their points
- make your points firmly but stay friendly
- seek ideas from the other party
- offer (don't impose) your ideas

What to avoid

Listening actively helps eliminate the following:

- daydreaming
- developing a rebuttal (mental rehearsing)
- side conversations
- interrupting
- exaggerated or mocking paraphrasing
- evaluating or judging what is said, silently or aloud
- facial expressions (rolling eyes, sneering, etc.) or postures (folded arms, leaning back away from the group) that tell the speaker you are judging his/her contribution

Recording...



Definition Recording is the writing of spoken ideas on a flip chart for all participants to see.

When to use Use recording to capture:

- guiding principles
- issues
- interests/concerns
- options
- criteria
- livable solutions

Benefits Recording helps to:

- preserve the language and meaning of oral statements
- create joint ownership of ideas
- display important material for reference
- provide a common focus and a basis for a common understanding during discussion
- assist the parties in constructing a joint problem solving process
- capture the livable solution of the parties

What to avoid

When recording avoid the following:

- Abbreviations that result in lost meaning,
- rewording of a contributor's idea without the author's permission,
- missed items or substitutions of key words which might result in mistaken interpretation, and
- participation by the recorder in content of discussion (if recorder wishes to participate, he/she must request another recorder take the responsibility of recording on the flip chart.)

Process Checking...



Definition Process checking is a technique for monitoring adherence to the interest based problem solving process and the interactions of group members. It is the responsibility of all participants.

When to use Use a process check when:

- a group member perceives that the principles are not being upheld,
- the group is not following the chosen process,
- a participant perceives that the ground rules are not being adhered to, or
- a review is needed or at the end of the session/day.

Benefits Process checking gives participants a structured opportunity to share their observations about the group's work. Examining the process:

- prevents negative behaviors from becoming ingrained in the process, and
- provides an opportunity to acknowledge and strengthen the group's efforts, individual progress, and the process.

How to use

Any individual may ask for a "process check" or ask:

Is the current task and method clear?

What adjustment might we make to get back on track?

Have we violated any ground rules or any principle of the interest based problem solving process?

At the end of session/day, the participants should respond to the following questions:

What did you like about today's activities?

*What is your comfort level with the process?
Why?*

What caused you some difficulty?

What to avoid

A tendency to debate another person's response to the questions. While it is appropriate to ask open ended questions to explore or better understand one's concerns, it is not appropriate or productive to challenge, criticize or ridicule the response.

Converting Positions

To Interests...



Positions
to interest

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

Definitions of
Position

One party's proposed solution to an issue, the how to.

A positions statement:

- focuses on a specific solution,
- makes a demand, and
- sets up confrontation before the issue has been clearly defined.

Definition of
Interest

One party's concern, need or desire behind an issue, why the issue is being raised.

An interest statement:

- focuses on the problem,
- articulates one of a range of needs, and
- establishes a climate and a common language for discussion so that the real issue or problem can be understood, discussed and resolved.

Tips for discovering interests:

- Begin with a positive attitude and recognize that all parties have interests/concerns that are important to them.
- The indirect method uses active listening to discover core interests/concerns.
- Ask open ended questions like:

Can you tell us more about your concerns...?

Tell us about...?

What else do you think would help?

What problem or need is this attempting to resolve?

- The direct method relies on questioning why a position is important.
- When using the direct method take care not to sound accusatory or offensive.
- Ask questions like...*Why is this important to your constituents?*

Positions and Interests...

Practice...



Which are which? The following issues have positions and interests statements; you are to determine which are which? Look at the examples in terms of these questions.

Which items are really interests?

How might you reword the positions to statements of interests?

Instructions Place a (P) next to the statements, which are positions and an (I) next to those, which are interests. Rewrite the position statements into interest statements.

Issue Escalating medical insurance premiums

Position or Interest?

Reduce employee contributions of premiums

Control costs

Reward employees who take care of themselves

Set up a labor management committee to review alternatives

Increase percentage of company's premium cost

More practice...

Issue Overtime

Position or Interest?

Assign overtime by seniority

As a lower level employee, overtime is a privilege
I like to share

Increase line speed for the lines that need
overtime

Replace the machine that keeps breaking and
forcing the overtime

Issue Class size

Position or Interest?

Limit classes to twenty-five (25) students

I don't have time to work individually with or
grade all the papers for the students I'm
assigned

Teachers should decide between pay raises and
smaller classes

Using the Interest Based Problem

Solving Model...



The following seven-step problem solving model is repeated for each issue. All steps are accomplished jointly.

Depending upon the complexity of an issue, one or two trained recorders should be present to capture, on flip charts, the interests/concerns, brainstorming efforts, options, testing options with criteria and drafting the livable solution as the full group directs.

However, should the group decide that a member is to function as a recorder, **RECORDERS DO NOT PARTICIPATE IN THE DISCUSSION OF THE ISSUE'S CONTENT. RECORDERS ONLY CAPTURE THE GROUP'S COMMENTS ON THE FLIP CHARTS!!!**

Step 1...

Select an Issue...



- Step 1 Jointly select an issue.
- State the issue clearly.
- Check for understanding and intent.

Notes:

Step 2...

Identify and Discuss Interests/Concerns...



Step 2A Explore all interests underlying each issue.

Technique to use Recording - Converting Positions to Interests - Active Listening

- Instructions
1. Determine if more than one Recorder is needed and provide them with flip charts and markers. The Recorder will label, date and number each flip chart page with the issue as appropriate.
 2. If a third party facilitator is not present, a spokesperson must assume the role of a facilitator for the issue or the session and then another may be appointed.
 3. Identify all of the interests, concerns, needs and fears the group members have around the issue. The Recorder should record every comment an individual voices, numbering the items for later reference. (Take approximately 15 minutes for this list.)
 4. Take about 10 minutes to ask:

DOES EACH ITEM HELP TO EXPLAIN THE
ISSUE?

Are any of the items on the list positions, demands or possible solutions to the issue? If so, convert them into interests by asking, "What problem or need is this attempting to solve?"

5. Decide whether the issue needs to be restated or refined.

Step 2B

Post and review your lists of interests/concerns behind the issue.

Discuss and clarify each interest/concern. Convert any position statement to an interest statement.

Identify mutual interests by circling them.

Recognize the legitimacy of the remaining interests - mutual as well as separate - and the full scope of the issue.

Restate the issue if appropriate.

Technique to use Active Listening

Instructions

1. Go through all items on the lists of interests/concerns. Each item should add to your understanding of why this issue has been raised. Clarify your understanding of each as needed by asking questions such as:

Why is this important to your constituents?

How many employees are affected?

DO NOT SUGGEST SOLUTIONS AT THIS TIME.

Convert any positions, "how to statements" to interests by asking:

What problem or need is this suggestion attempting to resolve?

2. When all items have been clarified, circle the mutual interests.

3. Discuss whether or not you need to restate the issue.

Notes:

Step 3...

Generate Options...

Step 3 Generate options that satisfy one or more interests/concerns.

Remember that options are not commitments.

Clarify and ready the option for evaluation. Eliminate duplicates; combine pieces of options to form complete options.

Remember the definition of an option:

"a potential, often partial, solution to meet one or more interests/concerns"

Techniques to use Brainstorming - Recording - Active Listening

- Instructions
1. Determine the number of Recorders and flip charts needed. The Recorder will number the options as presented.
 2. Brainstorm options to satisfy other's interests as well as your own; be open to possibilities and opportunities.
 3. Ready the options for evaluation by:
 - making sure all items are numbered,
 - eliminating duplicates,
 - defining unfamiliar items, and
 - clarifying or completing any confusing items.

Step 4...

Establish Criteria...



Step 4 Identify qualities of a solution.

Clarify the meaning of the criteria. Eliminate redundancies, combine overlapping criteria.

Reach consensus on criteria to narrow the options.

Remember the definition of criteria:

"agreed-upon qualities of a livable solution"

Techniques to use Brainstorming - Recording - Active Listening - Consensus Decision Making

Instructions ***Standard IBPS Criteria...***

1. Think about the characteristics of a livable solution to the issue that would be acceptable to your constituents.

These characteristics suggest criteria you could use to compare and evaluate the options you have generated. Record each suggestion on the flip chart.

2. Compare your list to the suggested criteria below:

workable

affordable

equitable

acceptable

Additional criteria may be used, but the list should not exceed more than six criteria.

3. When the list of criteria is complete, clarify each, noting any changes on the flip chart. Make sure there is a common understanding of the criteria. Delete any duplicates.
4. Check for consensus on the listed criteria, which will be used to test the options.

Three Stage System...

This system tests the options under consideration against the factors of **feasibility**, **benefit achieved** and **acceptability**. Thus each option(s) is examined intensively to see if it has **feasibility** in all of its particulars. If not, it is discarded.

If consensus is the option(s) meets the test of feasibility, It moves to the second stage, an analysis of how well the option **achieves benefit**. Again, the option(s) only Moves to the next stage by group consensus that it passes the second stage of scrutiny.

The third stage is an examination of **acceptability**. If consensus is the option(s) meets the test of acceptability, the option(s) becomes a livable solution, which is to be committed to written form.

Customized Criteria System...

This system differs from the Standard IBPS Criteria system only in that brainstorming is used to develop initial list of criteria. *Remember: this list should not exceed six criteria.*

Notes:

Step 5...

Test Options Against Criteria...

Step 5

Discuss each option or elements of an option to determine whether or not it meets all the criteria.

Participants are encouraged to amend options, combine them or think of new ones as the evaluation proceeds. Add or revise new options at the end of the list to be tested in turn.

By consensus, eliminate options that meet few or none of the criteria.

Some groups use a matrix to track their decisions.

Techniques

Recording - Active Listening - Consensus Decision Making

Instructions

1. Post the list of criteria for reference and have discussion about how the options meet the criteria.
2. Combine or revise options to better meet the criteria. If a revision cannot be easily recorded by editing the original option, record it as a new option on the flip chart, numbering from the last option.
3. Continue until every option has been evaluated against all criteria. Do not stop short; it is important to the process that all options be evaluated against the criteria.

4. Group members should suggest that options be eliminated because they meet few or none of the criteria. If there is a consensus to eliminate the option, cross it off the options list on the flip chart.

5. Where it is not clear whether to keep or eliminate an option, the group may wish to retain the option for future consideration and mark under the option which criteria it meets.

6. Circle the number of any option that meets all criteria.

Notes:

Step 6...

Develop the Solution...

Capture It in Writing...



Step 6

Combine options, or elements of options, that both
meet the criteria, and
meet as many interests/concerns as possible.

Reach consensus on a livable solution.

Draft a written solution jointly, or appoint a couple group members to do it.

Check for consensus on the solution's final draft.

Techniques to use Recording - Consensus Decision Making

Instructions

1. Discuss and agree on the options, or elements of options, which can be combined to create a livable solution.
2. Achieve consensus on this solution.
3. You have reached consensus when each group member can answer "yes" to the following questions:

Does the solution reflect what you have agreed to?

Can you support the livable solution 100%?

Notes:

Step 7...

Apply the Livable Solution...



Step 7

Now the livable solution is an agreement. Listed below is a suggested written implementation format to provide the highest possible degree of success:

- Develop specific action steps and a timeline to implement the solution...
- Assign responsibility for each actions step to a member (most require more than one individual or union and management member)...
- Determine time line of implementation for each action step(s), when to be completed or moved to the next phase...
- Establish follow-up time phase or a complex solution may have several phases (some solutions are ongoing which require periodic follow-up established and may become a meeting agenda item)...

Remember: Some situations may require a trial period, which needs several specific check points to provide an opportunity for success. Also, under such trial approaches, there is a need for consensus if the objective is to be modified or discontinued. If discontinued, does the situation return to the original state or a modified state?

Notes:

