

2020 CONTRACT

How bargaining works: Types of bargaining

Generally there are four factors which influence the course of contract bargaining between Metro and AFSCME Local 3580:

- State public employee statutes and Oregon Employment Relations Board (ERB) decisions
- Existing contract language – see reverse
- Local 3580 policies and Executive Board resolutions or direction
- Agreements about bargaining between Metro and AFSCME Local 3580

There are two generally accepted types of labor agreement bargaining: Traditional bargaining and Interest based bargaining.

Traditional bargaining

This is what most people think of when they think of labor negotiations. Party A puts a complete proposal on the table and explains it and their reasons for wanting it. Party B asks questions and requests data and other documents to add information to the discussion. Then both teams will caucus while Party B prepares a counter proposal which may be anything from complete rejection, a modified version, or complete acceptance. This can go quickly or can go back and forth interminably with neither party giving ground. When the parties have agreed on a proposal they are said to have reached a tentative agreement or TA.

Interest based bargaining

More of a collaborative and problem-solving process where the parties use narratives to demonstrate interests on a particular topic and the two parties collaborate to look for solutions and to ensure unintended consequences are explored/addressed. Interest based bargaining requires the development of trust and transparency between parties. Activities include:

- Storytelling/Narrative: What is the problem, why are we bringing this issue to the table?
- Interests: Why this is important, what needs are we trying to address?
- Authority: Do the people at the table have the authority to decide?
- Options: Brainstorm a list of solutions, combine brainstorms to create novel ideas.
- Evaluation: Look at possible solutions, look for loopholes, missing pieces, problems.
- Consensus: Select a solution to test, consensus is 100% agreement from both teams
- Implement: Draft and sign a Tentative agreement.

TA - Tentative agreements

Tentative agreements are drafted in contract language and signed off when both parties agree that the drafted contract language meets the intent of the parties' agreement. Tentative agreements are binding on both parties. Refusing to put a TA in writing, or to honor it once written is an Unfair Labor Practice under Oregon law.