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Collaboration, Communication and Core Values Versus Contradiction, Cacophony and Chaos

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Speakers at conferences usually offer their theories and prescriptions on how best to negotiate. They preach on how to “get to yes,” “how to get past no,” “how to reclaim management rights,” “how to do interest based bargaining,” “Principled Ethical Negotiations,” “Core Values bargaining,” “win-win bargaining,” “reality-based bargaining,” and “I’m OK, you’re so-so” bargaining. I know these ideas have been discussed before because I’m one of the people you’ve had to listen to talk about them.

Even I wonder sometimes whether these concepts are mainly theoretical, with little or no basis in reality. How many times have you heard someone say, “Just do it this way and you’ll create a labor relations Camelot”? In the meantime, you’re thinking “Yeah right! Try that in my district and you’ll be eaten alive!” You question the practical application of these recipes for success and whether any of them are of any use to you in the real world.

In that vein, I would like to ask the following questions:

Collaboration....Can it really occur, or is the whole concept a contradiction?
Communication....Can it really take place amidst the cacophony of negotiations?
And Core Values....Can they really inform our decisions and guide our actions even in times of crisis?

Collaboration: A One-Word Contradiction

I participated in interest-based bargaining training for the first time 16 years ago. I received a phone call from a California Teachers Association representative inviting me to the first CTA/Management training program introducing a new form of bargaining — one that would minimize, if not eliminate, the adversarial trappings of traditional negotiations. I was immediately suspicious. In fact, I asked

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my partners whether I should attend, and our discussion was intense. They asked: Would I be brainwashed? Would I soon be humming Woody Guthrie songs? Would a giant green pod sprout in the firm's conference room? Would I change my name to Norman Rae?

We decided I should go, if only to discover what the union was up to. So, I entered the belly of the beast—CTA's headquarters building—and immediately felt I had walked into a trap. There were at least 100 CTA representatives there and more than 10 management negotiators—we were outnumbered ten to one! And then came the ultimate indignity—my first “icebreaker” experience. In front of 100 union advocates, I had to introduce myself using a poster and was told to draw pictures that would reveal where I was born, my favorite hobby, and something about me no one would suspect. I thought I was going to die.

Eventually, I realized that the management representatives were co-trainers along with CTA staff. I began to listen critically to the presentation and found the general premise to be very appealing: Break down the barriers of traditional bargaining by sharing interests instead of demands, and by creating options together instead of writing proposals separately. I found myself agreeing with the trainer's remark that “we should aspire to negotiate within a framework of collaboration rather than confrontation.”

The statement drew an immediate response from a veteran CTA representative who stood and yelled, “I don't want to collaborate with anyone from management! Where I come from, a collaborator is a traitor!” He sat down and the room was silent for nearly five minutes, whereupon the CTA trainer took a breath and said, “Well, that was interesting, but now let's move on and talk about brainstorming.” The training continued.

This incident has replayed in my mind over the years I have negotiated, and perfectly explains why true “collaboration” is difficult to attain: because the concept is a contradiction. The dictionary provides two definitions of

the word “collaboration,” and they are contradictory. One involves working together and cooperating in a joint intellectual effort; the other refers to willingly cooperating with the enemy. The same word expresses something very positive and very negative. A similar dichotomy exists when one speaks of collaboration in labor relations.

When unions demand to negotiate over educational policy matters, curriculum, and the student instructional day, management often reacts negatively to protect against erosion of its rights.

The union may say that it only wants to *collaborate* with management over educational decisions, but its fear that the

number of negotiable subjects is diminishing emboldens the union to be more strident in its demands to formally bargain, and not just consult over educational matters.

The employer fears the union wants *veto power* over these decisions rather than true collaboration, so it resists the union's overtures. The fear of losing control drives the employer's behavior.

As a result, both parties focus on preserving their respective rights, rather than engaging in productive dialog. Instead of collaborating in a joint intellectual effort, both sides fear

they are collaborators consorting with the enemy. Falling victim to the contradiction that is collaboration, they forego the dialog that might improve the employer-employee relationship which will benefit the students.

We must escape this contradiction. For true collaboration, we must revisit and promote several key factors:

- *Traditional notions of allegiance, power, and hierarchy.* True collaboration occurs when power is shared or irrelevant, and when both sides accept their roles in an egalitarian structure, at least while they are jointly addressing an issue.
- *Need for control.* The parties must be open to a new kind of partnership where both surrender some legal entitlements, such as labor's right to negotiate over a specific matter, or the employer's right to sometimes unilaterally act.

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- *A common goal and definition of success.* If labor asserts a fiscal crisis can have no impact on its members, and management insists that drastic cutbacks must be imposed as determined by management alone, there can be no collaboration. Instead, the parties should work toward the common goals of preserving jobs and educating students.

The current fiscal emergency could present golden opportunities for collaboration by acknowledging a common goal rather than reverting to traditional notions of power, control, and allegiance.

For collaboration to occur, both sides must want it, and participate voluntarily. It cannot be forced by fiat or law, including the Educational Employment Relations Act.

Communication Amidst Cacophony

Collaboration encourages introspection and the communication of ideas that result from this inward inquiry. On to communication.

Consider the following:

- Most negotiation team members are trained in how to bargain.
- Most teams hire professionals who are experts in the art of negotiations.
- Most teams include members who have been on the team for many years.
- Negotiations involve the spoken word, as well as written proposals that explain what each side wants.
- Negotiations include time to caucus and prepare what you are going to say. After you say it, you caucus to review what you said and, if necessary, get more time at the table to clarify what you said.

You may ask yourself, “Why does some of the most mind-boggling, ineffective, and dysfunctional communication between two parties occur at the bargaining table?” Do any of these interchanges sound familiar?

- “That’s not what you said.” “Yes it is; you just weren’t listening.”

- “That’s not what we heard.” “That’s because you only hear what you want to.”
- “That’s not what I meant.” “I don’t care what you meant; that’s what you said.”
- “You’re changing our agreement.” “No I’m not, you are.”
- “That’s regressive bargaining.” “No it isn’t; it’s better than our last proposal.”
- “We’ve increased our offer and you should sign it; in fact we’ve added signature lines on the proposal.”
- “This new offer is an insult and not worthy of a response.”
- “Why are you proposing this?” “Because our members deserve it, and if you reject it, you don’t respect them.”
- “Why are you opposing this?” “Because our superintendent believes it is necessary to improve educational programs, and if you reject it, it means you don’t care about the students.”
- [And my personal favorite] “We’re filing an unfair.” “Go ahead — make my day.”

As these examples illustrate, negotiations can deteriorate into just so much noise — a cacophony of sound without substance or meaningful content. Why? Bill Cosby has explained, “Men and women belong to different species, and communication between them is a science still in its infancy.”

Are management and labor different species? Is management from Mars and labor from Venus? I think not. Communication breaks down at the bargaining table due to: (1) the inartful use of words; (2) the purpose for which words are used; and (3) the mistaken belief that a negotiator must be a good talker rather than a good listener.

Inartful or careless use of words. The prevalence of cacophony over communication primarily comes from the inattention to the way we use words. Lack of precision is especially harmful in negotiations because it is axiomatic that *what* you say is not nearly as important as *how* you say it. During negotiations, we are discussing issues that affect individuals’ professional lives as workers and managers, but also their personal lives. Careless use of the language can therefore impinge on their dignity, respect, security, and trust. Once this happens, the discussion is based on emotion, not substance. The parties then must work their way back to the real issues.

One reason why our words have become less precise than in the past is the advent of communication through technology. While letter writing encourages deliberation and time to *see* the words and gauge their impact, the same is not true with email, texting, and other forms of instantaneous communication. Words are tapped out, the button is pushed, and the message is gone. And, once a beep, buzz, or vibration indicates that “you’ve got mail,” the process is repeated.

We cannot negotiate this way. The potential for sending mixed messages and harming the people, the relationship, and the institution is too great. Effective, precise, and sensitive communication is critical, especially now, in a time of fiscal crisis. Anxiety levels are high. People are searching for clues, both imaginary and real. Fear of the unknown is stressing out the workplace. The wrong word, phrase, or even inflection can cause needless harm and confusion. The concise and carefully crafted message can contain, if not ease, apprehension.

A recent example makes the point. When the governor recently unveiled his budget, many outstanding management proposals became unaffordable. My biggest fear was that the union would knock on our door and say, “We accept your proposal.” I needed to convey the message that the proposal was no longer viable, but without prompting the union to go into a defensive battle mode. I figured I could withdraw the proposal, revise it to a zero offer, reduce it, or rescind it.

All of these options sounded too drastic and final. I needed to say we were not quite sure what we could now afford due to the fluidity of the state economy. After several tries, I settled on the following:

In light of the great uncertainty that now exists following introduction of the Governor’s proposed State Budget, the District is compelled to *suspend* all District economic proposals currently the subject of negotiations until such time as the impact of the proposed Budget on the 2007-2008 and 2008-2009 school years is determined.

While it may seem trivial or sound like a meaningless nuance, the deliberate use of the word “suspend” precisely captured the message and helped to limit the anxiety on the other side of the table.

The purpose for which words are used. Communication is the purpose for which words are used. This one should be self-evident. As author Phillip Roth said: “Conversation isn’t just crossfire where you shoot and get shot at! Where you’ve got to duck for your life and aim to kill! Words aren’t only bombs and bullets — no, they’re little gifts, containing meanings!”

If we feel a need to duck and cover because we’re getting verbally shot at from across the table, our charge remains to refrain from using words as weapons, even if we are tempted to fire back.

During negotiations, the purposes of our words must be:

- To seek to educate and not obfuscate.
- To avoid reducing complex issues to catchy sound bites.
- To remember that words can harm as well as persuade people.
- [And above all else] To engage in clear, open, and honest dialogue, even

if our counterparts do not respond in kind.

A recent union flyer attacked the district’s motives and integrity with the words, “Once again, they lie, they lie, they lie!” This is classic “words are weapons” mentality. The district did not strike back. However, the flyer did not encourage management to reach out in partnership to address the fiscal crisis. Bombs and bullets are more likely to trigger self-preservation, rather than openness and listening.

Core Values and Chaos

Knowing the prerequisites to true collaboration is useful. Distinguishing the elements of effective communication is helpful. But when all is said and done, we have failed as negotiators if, in the end, more was said than done. What are we trying to communicate and accomplish? How do we

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determine what to propose, to accept, or to reject? Most importantly, how do we protect the interests of students in a process designed to serve the interests of adults?

One answer is Core Values.

I began forming the Core Values approach to negotiations several years ago. I began to realize something very basic that I should have understood long before. These revelations were:

- Labor comes to the bargaining table with a sense of purpose (right or wrong) and a “mission from God” attitude that allows them to negotiate from a position of unity, strength, and righteousness.
- By contrast, management comes to the table in a defensive and reactive mode. Its defining purpose is preventing collective bargaining from becoming “we bargain and they collect.”
- As public school employers, we are proud to prepare young people to be responsible members of society, and we provide a caring workplace, fair salaries and benefits, and good working conditions.
- Our ability to focus on our educational mission is challenged by forces such as politics, the economy, and our relationship with the unions.
- Contrary to its original purpose, the scope of bargaining under EERA no longer reflects the uniqueness of the public education sector. Decisions of the courts and the Public Employment Relations Board have inappropriately adapted to the educational environment an expansive scope of bargaining that is more applicable to the private sector.

To address the challenge posed by the last epiphany, my answer was surprisingly simple. Public school employers must adopt a set of Core Values to be used in negotiations. They must be proactive rather than defensive, articulate a unifying sense of purpose, focus on our core mission of education, and limit negotiations over fundamental educational policy decisions.

Core Values help determine what we propose in negotiations and what proposals we will accept or oppose from the union. Core Values move us beyond the “We want,” “We deserve,” and “We don’t like” lexicon, and even past “We propose.” Instead, they imbue each of our proposals with the power of “We believe.”

At the same time, they are not commandments to excuse rigidity and inflexibility. They are philosophical benchmarks that keep us centered in the chaos that is negotiations. When the chaos — the politics, the people, and the pressures — overwhelm us, returning to our Core Values lets us regain clarity of purpose. Core Values define and articulate the direction in which to move, rather than moving in search of a direction.

Just last week, in negotiations, we presented our initial proposal by reviewing our Core Values. They included:

- Enhancing the ability of the district and its employees to deliver quality education that improves student achievement and development in a positive and challenging learning environment.
- Encouraging the cooperative relationship between the district and each employee organization based on shared responsibility for the success of all students.
- Containing costs in ways that do not threaten the Core Values of the district, employee associations, or employees.
- Treating all stakeholders equitably by recognizing the common and diverse needs of all employees.

After we presented our Core Values, the labor representative commented, “Those are very nice, but from our perspective it’s *not* all about the kids. It’s also about our unit members making a fair wage and maintaining employer-paid benefits.”

A few moments of silence ensued while our team absorbed this statement. My initial thoughts were:

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- We do not presently have a spirit of collaboration.
- How do I effectively and sensitively communicate my reaction to this statement without raising my voice or using colorful words?
- “OK, if these Core Values of yours are supposed to guide you in moments like this, why am I speechless?”

After a few seconds, I revisited our Core Values. Instead of descending into a shouting match or drawing a line in the sand, I pointed out that our Core Values were interdependent. After all, employees deliver the education program and our Core Values rightly speak to employee interests. But, the district would not elevate employee interests above the core mission of educating students and we would not make or accept proposals at the expense of this mission.

Based on the union’s response, collaboration still seems possible. Our reaction was clearly stated and accepted at face value, fostering a better understanding of what the district’s Core Values mean in negotiations.

Conclusion

Collaboration, Communication, and Core Values are not a fool-proof formula for negotiations nirvana, but without them, the seas will not be calm. The contradictions, cacophony, and chaos of negotiations will continue to persist. But, by understanding what true collaboration is, by knowing how to communicate and listen, and by utilizing Core Values, we negotiators can expect to exercise sound judgment, display good character, and always bring something good to the table. *