

# LABOR NEGOTIATIONS

# 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.

Real world application of the open meeting law requirements during labor negotiations.

# 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 elected by the 2 other members (becomes the chairman)



## 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.

# Selection of the bargaining team

The selection of the team will depend on the circumstances and the relationship between the parties at the time.

- Outside Negotiator?
- Department Head?
- Legal Department?
- Finance Department?
- City Council Member(s)?
- Human Resources?
- Others?

# Lessons Learned

- Be respectful and courteous toward each other
- Don't make or take anything personal
- Carefully evaluate who should be on the team
- Support your team once it is selected
- Gather information regarding the department management needs and budget limitations prior to commencing negotiations
- Don't engage in side negotiations that undermine the team

QUESTIONS?