**QUICK TIPS & REFERENCE FOR CITY COUNCILS**

**UNION BASICS**

**Minnesota Public Employment Labor Relations Act (MPELRA) 179A.03 Subd. 17.**

* Approval of appropriate bargaining units
* Elections for “Exclusive Representatives” and Decertification
* Subjects of Negotiations
* Unfair Labor Practices
* Grievance Process
* Right to strike or binding interest arbitration
* Union access to employees and information

**Employer Responsibilities:**

* Bargain in “Good Faith”
* No discrimination or coercion regarding union membership or union activity.
* No unfair labor practices
* Comply with status quo orders, mediation procedure, and arbitration decisions

**Subjects of Bargaining**

|  |  |  |
| --- | --- | --- |
| Prohibited | Management Rights | Mandatory |
| *Cannot be negotiated* | *Not required to negotiate* | *Must negotiate* |
| * Selection of supervisors * Pensions (other than deferred compensation matching and post-employment healthcare savings plans) | * Functions and programs of employer * Overall budget * Utilization of technology * Organizational structure * Selection of personnel and direction   + Assignments and transfers | * Disciplinary Procedures * Grievance Procedures * Compensation * Benefits * Staffing Ratios (2023) * Terms and Conditions of Employment |

 **Always consultant an attorney prior to discussing any topics related to “Management Rights” in negotiations.** The city must bargain in “good faith” regarding mandatory subjects but is not required to agree to any specific proposal.

**Minnesota Public Sector Bargaining Oversight**

**Minnesota Government Data Practices Act.** “Labor relations information” is considered non-public data and should not be shared with the union by the city council. This includes management positions not yet presented, including information prepared to support management positions.

**Open Meeting Law.** A council meeting can be closed to discuss “Labor Relations Information” but must be recorded. The recording itself becomes classified as “Public Data” once all labor contracts have been signed.

**Minnesota Local Government Pay Equity Act.** Cities must use a job evaluation system to determine comparable worth of positions and avoid gender inequity.Non-compliance can result in the city being required to increase compensation for certain job classes in addition to penalties.

**NEGOTIATIONS STRATEGY**

**Define long-term organization-wide strategy for union and non-union employees.**

1. **Define long-term organization-wide outcomes.** Examples include, maintain a positive working relationship, maintain external competitiveness, retain management rights and flexibility, maintain internal pay equity compliance, promote union and non-union equity, and demonstrate wise investment of resources.
2. **Define compensation philosophy and comparison cities or organizations.** When selecting comparison organizations consider factors such as city population, budget, proximity, number of employees, and city services.
3. **Consider ideal timelines and patterns if the city has more than one bargaining unit.** Does the city prefer to bargain with all unions at once, or stagger in different years? This is not always within the city’s control.

**Develop contract-specific strategies for the city negotiating team.**

1. **Select the negotiating team and lead negotiator.**

Clearly define roles for during and after negotiation meetings. Ensure the team has the authority needed to credibly enter “Tentative Agreements.”

1. **Do your research and prepare in advance.** Have a good understanding of the city’s overall budget, compensation plans, and pay equity structures. Consider internal negotiating patterns and the order of bargaining groups.
2. **Develop and prioritize city goals.** Begin with the end in mind.What are the city’s current needs and priorities? For example, are there concerns with recruitment and retention, Pay Equity compliance, external competitiveness? Is there any contract language the city would like to propose changing? Consider the following:

* Are there any past practices to consider changing?
* Any confusing or unclear language?
* Is there any language that if changed would greatly improve services, efficiency or operations?
* Are there outliers, internal inconsistencies that make administration difficult?

**Prioritize city goals, for example:**

**Evaluate and respond to union proposals**

**During joint negotiations meetings.** Usually (but not always) the union will make the first proposal. During the meeting, take your cues from the lead negotiator.

* Listen carefully and ask clarifying questions to make sure you understand the goal and the impact of each proposal.
* Keep judgments or opinions about the proposals out of the meeting – do that in “caucus” with city negotiations team.
* Ask the union what is most important to them.

**Evaluating union proposals.**  Keep in mind speed is not always your friend. It’s important to make sure your team agrees and take additional time to respond at a future meeting if needed. When evaluating proposals, consider:

* **Do any of the proposals involve management rights?** If so, clearly preserve management rights in the response. If you want to consider bargaining, consult an attorney prior to engaging in discussion with union.
* **Look at the whole package to avoid unintended “All-Star” contracts.** It is typical for every contract to include some components that are deemed better and worse than others based on the bargaining process of give and take.

**Consider unintended impacts.** Be mindful of impacts to internal equity, pattern bargaining, and domino requests from union and non-union groups.​ Consider operational impacts of any proposed changes. Helpful tip: Begin by asking what issue is this proposal solving? Will short-term changes result in unintended consequences down the line? What messaging will result with this change for employees?

* **Develop the response.**  Respond respectfully, supporting with data and strategy when possible. Go back to your organization-wide strategy and consider where the city could move on any specific proposals. For example,
* **Go back to your management list and consider counteroffers.** Is there anything the city wants to offer in exchange for agreement? If unsure, don’t propose. No regressive bargaining (when a party in negotiations offers less than they previously offered). ​
* **Note that offer is “total package.”** Tentative agreements on specific issues are subject to agreement on rest of contract. ​

**QUICK TIPS IF EMPLOYEES ARE CONSIDERING JOINING A UNION**

Be aware there are rules for both sides, but here are a few management tips to keep in mind:

* Be careful with your communications. Remember you cannot discriminate based on union activity or interfere in any way with employees’ right to unionize. You cannot make promises, threats, or attempt to coerce employees related to union activity. Listen, but don’t solicit, information from employees​.
* If a “Status quo Order” is issued by the BMS, you must follow it. That means the city cannot make any changes to wages, hours and existing conditions, etc.
* Partner with your city attorney.

**ADDITIONAL RESOURCES**

Contact League’s Human Resources Staff HRBenefits@lmc.org or call 651-281-1200

HR Reference Manual: Labor Relations <https://www.lmc.org/topics/labor-relations/>