

Minnesota Public Sector Union Negotiations: A Guide for City Councils



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Learning

Learning Outcomes

1. Understand changes to public sector employment laws and their impact on city employment policies.
2. Understand the various roles city councils play in union negotiations and their impact on city employment policies.
3. Learn to ask the right question to ensure your employment policies are lawful, consistent and fair for all employees (both union and non-union).

Agenda

1. Introduction
2. Recent Changes and Trends
3. Union Basics
4. Negotiations Strategy
5. Sticky Situations
6. Take-aways

As Council Members, you play a lot of different roles.

What are some of them?

Strategic Vision

Constituent Advocate

Trustee-Steward

Decision-maker

Community Builder

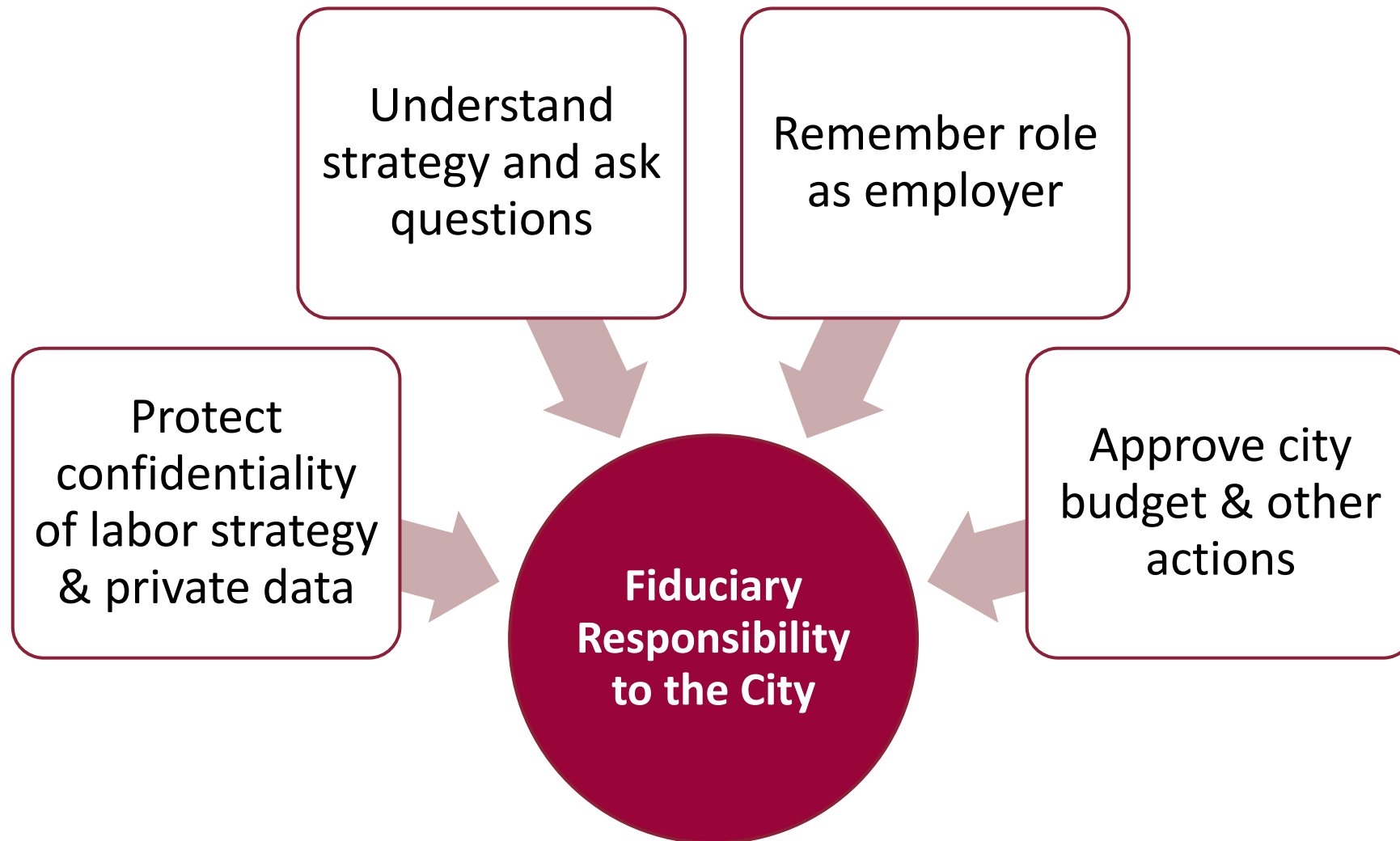
Oversight

Council as Employer

Attract and retain the skilled workforce to deliver city services and implement council policy decisions.

“Defining the Roles of Elected Officials and City/County Manager” December 2024 Public Management

Council Roles & Responsibility



What makes a great work environment?

What makes a great work environment?



Job Satisfaction

Compensation

Benefits

Schedule/Work-life balance



Engagement

Respect

Trust

Meaningful work

Contribution/impact

Growth

Recent Changes & Trends

Recent Changes & Trends

Legislative changes beneficial to union employees

- Removed “number of personnel” from management rights
- New and changing paid leave laws, causing uncertainty in bargaining and the impact to budgets and operations
- Increased union access to employees and information

Recent Changes & Trends

- Increased unionization of employees
- Increased elections to change “exclusive representatives”
- Increased public attention and politicalization
- Elimination of the salary cap



Union Basics

Employment Policies



Employment Laws



Union Contracts or Individual Employment Contracts



Employee Handbook & City Policies



Department/Supervisor Policies & Procedures

Minnesota Public Employment Labor Relations Act

(MPELRA) 179A.03 subd. 17

- Approval of appropriate bargaining units
- Determination of “Essential” or “Non-essential”
- Subjects of Bargaining
- Unfair Labor Practices



No discrimination or coercion regarding union membership or union activity.

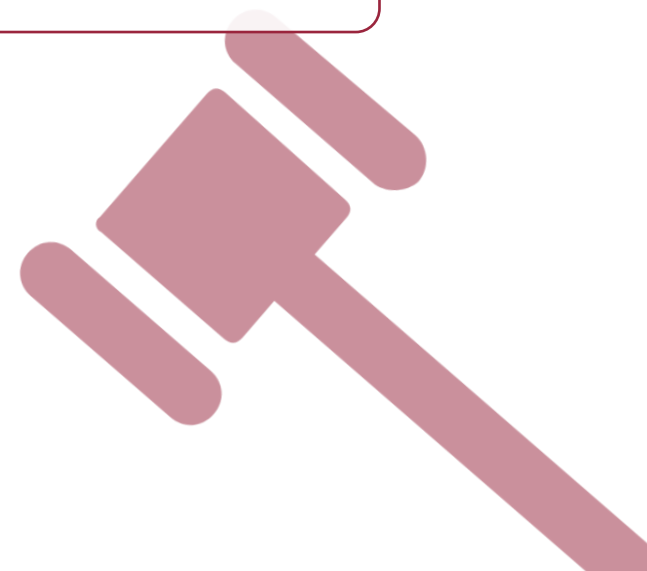
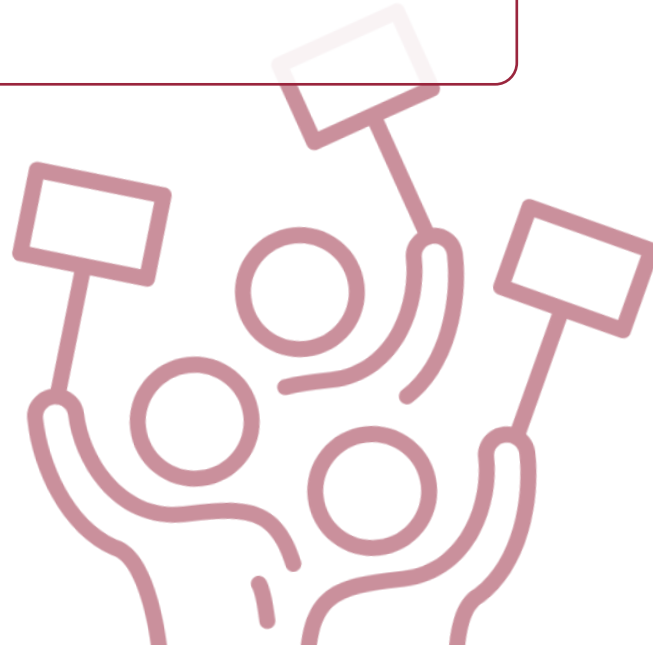
Bargaining Units

Non-Essential Bargaining Units

Right to Strike

Essential Bargaining Units

Right to Binding Arbitration



MNPELRA Subjects of Bargaining

Prohibited

Cannot be
negotiated

**Management
Rights (Permissive)**

Not
required
to
negotiate



Mandatory

Must
negotiate

Management Rights (Permissible)

- Functions and programs of employer
- Overall budget
- Utilization of technology
- Organizational structure
- Selection of personnel and direction
 - Assignments and transfers



Tread carefully:
Once you agree to “bargain,” you give up that management right.

Unfair Labor Practices in Negotiations

MPELRA requires bargaining “in good faith”



Bargaining “in good faith” does not require agreement

- Surface Bargaining
- Regressive Bargaining
- Not providing information to union
- Working around “Exclusive Representatives”
- First and Final Offer

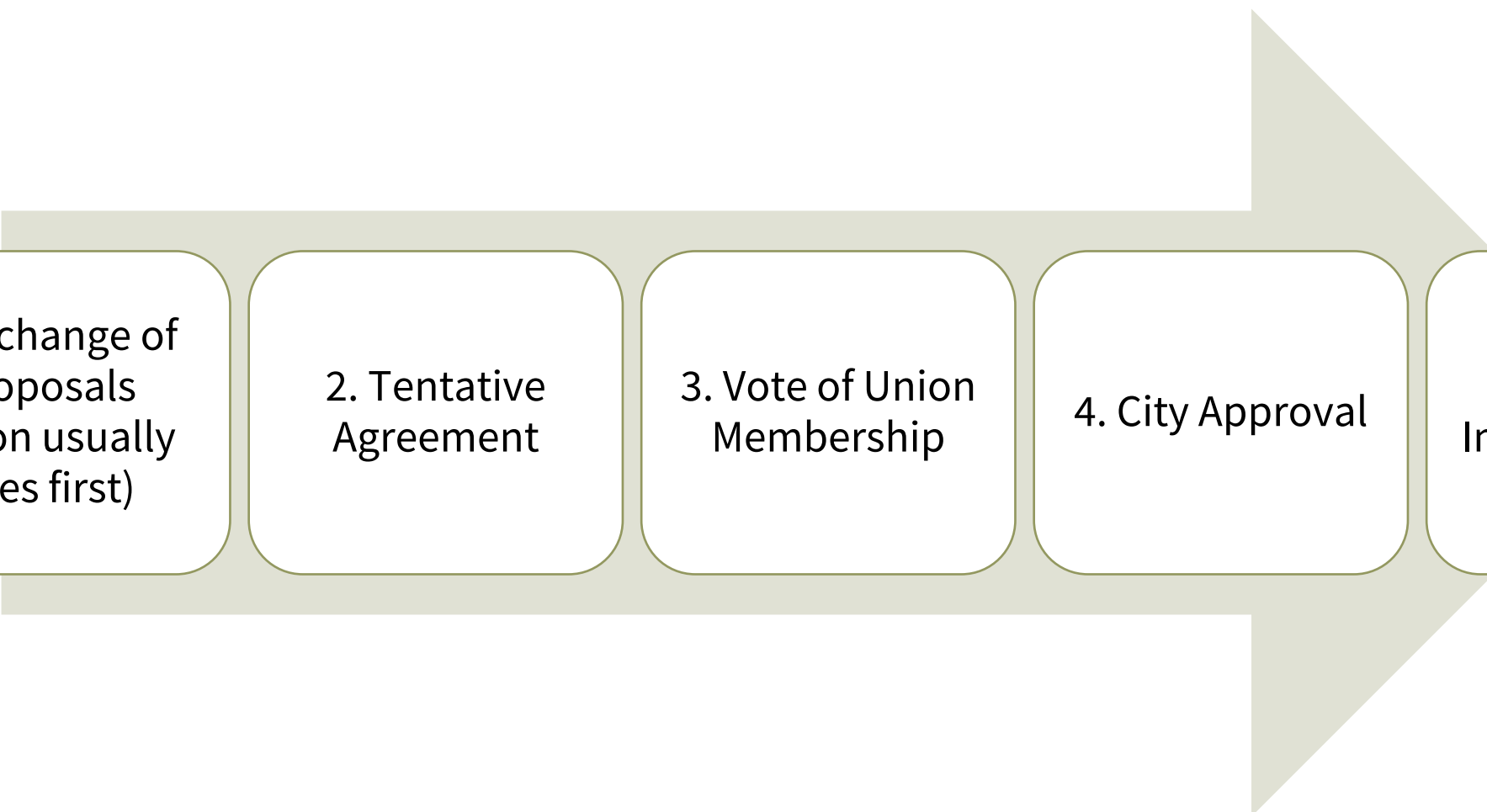
Other Important Legal Considerations

- Minnesota Government Data Practices Act
- Open Meeting Law
- Local Government Pay Equity Act



Negotiations Strategy

Bargaining Process – Best Case



1. Exchange of proposals
(union usually goes first)

2. Tentative Agreement

3. Vote of Union Membership

4. City Approval

5. Contract Implementation

Bargaining Process – Worst Case

1. Exchange of proposals

2. No tentative agreement (TA) or agreement fails approval

3. Mediation

4. No tentative agreement or agreement fails approval

5. Strike or Binding Interest Arbitration

Develop Union Strategy

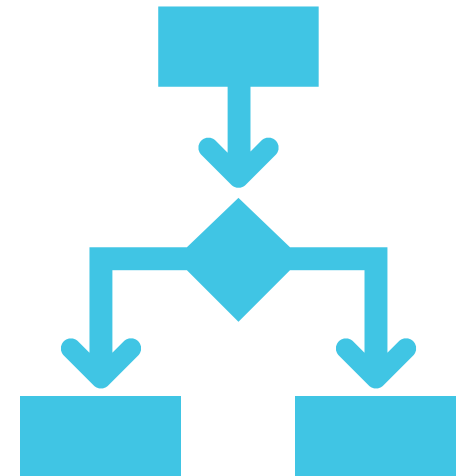
Provides fiscal certainty and maintains positive working relationships

1. Define long-term organization-wide outcomes (union and non-union)
2. Define compensation philosophy and comparison cities (union and non-union)
3. Consider ideal timelines and patterns if more than one bargaining unit



Define Successful Long-term Outcomes

- Maintains a positive working relationship
- Maintains external competitiveness
- Retains management rights and flexibility
- Maintains internal pay equity compliance
- Promotes union and non-union equity
- Demonstrates wise investment of resources



Selecting the Team

Characteristics

- Well respected and trusted
- Ability and authority to influence
- Ability to control emotions
- Open-minded
- Knowledgeable
- Cares about the city, employees, and the public



City Negotiating Team

- Lead Negotiator
- Administrative Support
- Others?



Union Negotiating Team

- Lead Negotiator
- Union Stewards

Negotiation Team Tips

- Be clear on roles inside and outside of meetings
- Be strategic with proposals and respectful responses
- Preserve management rights (or seek legal advice)
- Offer and evaluate as “total package” and avoid “All-Star” contracts

Proposals

Critical

Opportunity

Unsure

Responses

Dealbreakers

Difficult

Quick Wins

When you can't agree....

- Mediation can help (certify issues carefully)
- Consider the worst-case scenario
 - **Non-essential:** What is the likelihood of a strike? Strikes are painful for everyone: the city, employees, and the public
 - **Essential:** What is the likely outcome of arbitration? The city loses ability to make the decision



**Agreements provide
fiscal certainty and
maintains positive
working relationships**

Tips for Approving Tentative Agreements



City and Union Teams should agree to support and advocate for passage with union membership and City Council.



Contract must be approved in open council meeting. Be respectful. If possible, ask questions in advance to reduce delays and uncertainty.



Keep the big picture in mind. The contract is part of a larger employment and legal system.



Trust in the negotiations team and the city can be difficult to rebuild when tentative agreements do not pass.

Sticky Situations

What factors
should the City
consider?

What additional
information would
you want to know?
What options does
the City have?

How should the
City respond?

How could this
have been
avoided?



Top 5 Hits

Don't Stop Thinking About Tomorrow - Fleetwood Mac

They Can't Take that Away from Me - Fred Astaire

The Gambler - Kenny Rogers

Never Tear Us Apart – INXS

RESPECT - Aretha Franklin



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