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Negotiators' Checklist

November 2024

Pre-Negotiations

Targeting Successful Contract Negotiations
Elements of Successful Team Preparation

Negotiation Preparation

Creating the Conditions for Successful Negotiations
Exploring Interests and Parties

Negotiations

Managing the Process
Conditions for Effective Negotiations

Execution and Value Claiming

Closing the Deal
Claiming Value

Pre-Negotiations

Targeting Successful Contract Negotiations Elements of Successful Team Preparation

Establishing Team

- Elect a contract chair from the local Association
- Identify three to five members to form the contract team
- Ensure team is representative of the diverse interests of membership

Developing Team

- Facilitate common understanding of fiduciary responsibility to members of the Association
- Educate team on the difference between bargaining and negotiations
- Understand key legislation and district policies that impact and govern the contract
- Know your current contract strengths, vulnerabilities, and areas of growth

Inventory 'State of Preparation' for Negotiations

- Develop a communication plan to keep members and local Chapter executive informed
- Ensure systems are in place for recordkeeping including archived materials
- Obtain written signed or DocuSign Delegation of Authority forms
- Review key resource documents:
 - MSS articles on negotiations
 - Program on Negotiation – Harvard Law School newsletters
 - BCPVPA Contract Employment Agreement Manual

Negotiation Preparation

Creating the Conditions for Successful Negotiations *Exploring Interests and Parties*

Gauge the Current Context

- Survey and understand the needs and interests of members
- Confirm who is on the district contract negotiating team, and who you will be negotiating with
- Familiarize yourself with historical negotiation processes followed by your district
- Identify potential barriers to reaching an agreement (e.g. time constraints, senior staff turnover, budgetary constraints)
- Outline benefits that lead to successful recruitment and retention of administrators
- Outline unique elements that attract loyalty and long-term commitment to the district (e.g. long service recognition, continuing status, moving allowances).

Identify and Prioritize Your Interests

- Identify contract team goals and objectives in advance of any discussions
- Anticipate possible employer goals and objectives
- Identify the contract clauses you wish to reopen or improve upon
- Identify any areas you want to negotiate that are not currently in contract
- Test your BATNA (Best Alternative to a Negotiated Agreement)

Assess Relationships and Commitments

- Evaluate who in your district can make decisions (e.g. Superintendent, Human Resources, Secretary Treasurer).
- Find out the principles that you and the employer both value during negotiations
- Be prepared and rehearse prior to engaging with the district

Negotiations

Managing the Process *Conditions for Effective Negotiations*

Creating Value

- Set the tone (e.g. collaborative, relational, approachable, professional)
- Collaborate and agree on the negotiation process, expectations, ground rules, and norms
- Agree on ways to resolve impasses as you work through negotiations
- Co-create an agenda and pre-set dates for discussions
- Determine and allocate a reasonable amount of time to deal with each clause

Separate People from the Problem

- Self-regulate emotions and have strategies to de-escalate conflict
- Determine how to establish respectful transparent discussions
- Decide if bringing someone else into the process will have a positive influence over outcomes
- Exercise empathy and willingness to address employer needs and perspectives

Separate Interests from Positions

- Listen more and ask thought-provoking questions to deepen understanding
- Collect, request, and compare relevant data, historical, and current research
- Identify shared, opposed, common, and tradeable interest
- Begin with the highest priority items that you anticipate will result in an agreement
- Be prepared to explain 'why' the language proposed may be of common and future benefit

Build Momentum

- Share information incrementally and reciprocally
- Generate reasonable options and a full range of alternatives
- Elicit a sense of transparency, equity, and fairness
- Use district vision, mission research, data, and story to support your position and proposals

Execution and Value Claiming

Closing the Deal *Claiming Value*

Shape Perceptions

- Share information and strategically withhold unless necessary
- Act in good faith and expect the same from the employer

Make Credible and Reasonable Offers and Counteroffers

- Anchor and de-anchor (e.g. make first offer, reflect on offer, and/or reject offer)
- Frame and reframe position as needed
- Divide the pie using objective criteria
- Limit gratuitous negotiations (e.g. a promise whereby there is no obligation to fulfill)

Reviewing the Deal

- Confirm legitimacy of offer
- Evaluate the deal vs. BATNA (e.g. ensure deal or reservation value of deal is not less than)
- Carefully review the employers' perspective and position
- Ensure you understand the implications of agreeing to an employer proposal
- List critical issues requiring agreement before finalizing
- Be prepared to respond to a proposal, accept, reject, or amend

Closing the Deal

- Offer assurances that consensus will be offset by value-added gains
- Ensure strategy for employer commitment
- Secure commitment and establish deadline for finalization (signature)
- Monitor post-agreement implementation

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