

<b>ROPA</b>	Regional	
	Orchestra	
	Players'	
	Association	

A conference of the American Federation of Musicians, AFL-CIO

**REGIONAL ORCHESTRA PLAYERS' ASSOCIATION**  
 34th ANNUAL CONFERENCE,  
 PHOENIX, ARIZONA  
 STRUCTURE/STRATEGIC PLANNING FOR  
 NEGOTIATIONS  
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### Negotiations are Chaotic- Some Reasons

- The adversarial nature of the process.
- Issues are numerous and often very complex; proposals and counterproposals even more so.
- Revolving personnel-team members will miss meetings as time goes on.
- Misinterpretation, conflicts, personal agendas, grandstanding, bad faith statements or actions...
- Employers also may seek to deliberately mislead or use tactical chaos to throw the union off target.
- Perhaps more frequently, employers can throw the union off target or wear the union team down because they simply don't have their act together.
- This often leads to lengthy management caucuses.
- From the Gospel of Waldeck...
- This can unnecessarily prolong negotiations and burn out our team members.



In those negotiations where the Union came in completely prepared and adhered to, and insisted upon following an organized, sensible negotiation process, chaos was greatly reduced, and laid the groundwork for more favorable settlements.

### In general, 3 types of negotiations

- The "routine" negotiation
- The "difficult" negotiation
- The "agenda driven" negotiation
- Examples: Fort Worth Symphony, Pittsburgh Symphony, Minnesota Orchestra, Saint Paul Chamber Orchestra, Atlanta Symphony, Detroit Symphony, Columbus Symphony, and the Hartford Symphony.
- With well thought-out forecasting of the type of negotiation you anticipate, you should be able to determine your initial contract campaign strategy.

## We always seek to move negotiations forward because...

- Meaningless stall could lay the groundwork for the employer to file an unfair labor practice.
- We don't want to unnecessarily burn out our committees.
- We and our members are anxious for an agreement, but on as much of our terms as possible.
- So...

Develop a structured, methodical process for keeping your negotiations focused and moving forward-

### PRESENTATION OF THE UNION'S INITIAL PROPOSAL

- The Union should present its proposal with explanations of "why" for each item.
- Why the whys?
- Answer all questions if there is uncertainty; save the debates for later.
- Allow management to do likewise
- Ask all questions if there is ambiguity; if they do not explain the whys, ask them.
- Again; save debates for later.

### Frequent scenario #1: Management is presenting its initial proposal, and...

doesn't provide an economic proposal, because they claim...

1. They want to "get the small stuff out of the way" before engaging in economic discussions.
2. They claim their \$ proposal is not ready, or they are waiting for an audit, finance meeting, etc..
3. What should our response be?

### Scenario II: Management has responded with their proposal, but has not yet responded to the Union's initial proposal

**Do not allow this to get sidetracked! Make sure management responds to the union's proposals during the initial meeting period.**

It is often better if management will respond to the Union's initial proposal verbally because:

1. It allows the Union to more easily question and challenge the responses prior to semi-memorialization on paper
2. Often, management can become wed to their proposals primarily because of the effort/time invested in writing their responses.
3. Way too often, management has not thought through the ramifications of their responses-we point them out.

### Process For Union Responses to Management's Initial Proposal

- Categorize responses to each of management's proposals:
  1. Those responses to which the Union can say "Yes."
  2. Those responses to which the Union can say "maybe."
  3. "Contingent" responses (including "no" responses with "if" and "however")
  4. "Line in the sand" "no" responses, and how these are to be presented
  5. Those proposals needing further clarification
  6. Those proposals needing justification (whys)

### Breaking down the "yes" responses

1. Items to which we can immediately say "yes."
2. Items to which we can say yes, in trade for something.
3. Items to which we can say yes, contingent upon...

### "Maybe responses;" appropriate questions to raise

1. "What has been the problem with this issue?" (Information requests may be necessary)
2. Does management's proposal fix the problem?
3. Is there adverse impact to management's proposal, both short-term and long-term?
4. If relevant, can management correctly and effectively administrate their proposed solution without adverse impact? (ex. notice of emergency cancellation of service due to weather)

### Contingent or 'IF' responses- Examples

1. IF the \$ were acceptable, the orchestra might accept additional schedule change flexibility
2. IF mileage and meals were higher, more double service days might be acceptable.
3. IF the peer review process voting procedure was more fair, we might be willing to consider a shorter process.
4. Run outs-IF travel time was limited, we would reduce or eliminate certain penalties

## Counterproposals

- Counterproposals are generally more productive after the initial set of meetings, when the parties more fully comprehend each others' issues.
- Counterproposals assume some degree of willingness to compromise, which may not always be the case. Choose and time wisely.

## What word does management hate most at the table?



## The Power of WHY!

1. It immediately puts the employer on the defensive.
2. A CEO/Attorney/Board Chair is immediately thrust center stage into "justifying" what they have proposed in front of the union, and (perhaps more critical) in the front of the rest of his/her team.
3. One "why" leads to many more whys.
4. In the past we have had whole series of meetings in which the sole question was "why?"
5. Watch management behavior as you get closer to the truth....



6. "Whys" lead to INFORMATION REQUESTS.

## Before you say no to a management proposal, ask management...

1. Do you fully comprehend all ramifications of what has been proposed? (often they do not)
2. Again, will it fix the problem?
3. When possible, say no, but leave the door open to "if this was X instead, we might..."

## Line in the sand responses

- There will be some proposals from management so offensive as to require an extremely firm response
- Our response should be “the orchestra will never accept this as proposed.”
- Again, employ the “whys” and look for any and all possible information requests.

## Is management’s rejection of the union’s proposal done for “philosophical” reasons, or for other reasons?

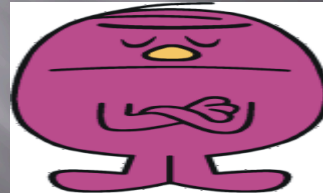
- Examples: AFM-EP Pension-Employer only contribution or opposition in principle to defined benefit pension plans
- The 3% wage ceiling-financial or philosophical?
- As negotiations progress, determine with your negotiator which items fall into that category, and other options/counterproposals that can be made on such items.

## So what if we’re still not getting anywhere?

1. **Is the orchestra organized and willing to spend the necessary time and work toward collective goals, including engaging in necessary concerted activities?**
2. Have you done your power analysis?
3. Have you laid sufficient PR groundwork and built upon it?
5. Do you have an active, well managed social media presence?
6. Have you built upon your community relations, and enlisted assistance from them strategically?
7. Federal Mediation-timing and method is critical

## PERSERVERANCE

*Remember; come September, which party should be more anxious to conclude the negotiations??*



## Suggested Further Reading

- Offensive Bargaining by David Rosenfeld
- Counsel to Local 6, AFM San Francisco & Local 7, AFM-Orange County, California

