

2009 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2331

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2331

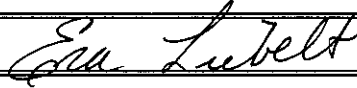
Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: February 11, 2009

Recorder Job Number: 9164

Committee Clerk Signature



Minutes:

Vice Chairman Wanzek: We will bring the Senate Industry, Business and Labor committee to order. In the absent of the Chair, as Vice Chair I will run the hearing. With that we will open the hearing on senate bill 2331.

Senator Nething: Written testimony in favor of the bill.

Senator Behm: If you have this committee it's suppose to take care of the disputes?

Senator Nething: That's the idea.

Senator Andrist: Give us an idea of what kind of things this will cover. Is this going to cover salary and basic benefits? What kind of disputes is likely to occur? You always think of collective bargaining as bargaining for pay.

Senator Nething: What I perceived is that you have structure throughout the agency where if they have some ideas on how to assist and identify issues that they can work through. The agency head knows who to talk to and the people in the agency knows how to move that through.

Discussion and questions followed about what is already available to the employees and allowing the employee to have a more structured way of communicating their needs.

Gary Feist, President of NDPEA: Written testimony in favor of the bill.

Chairman Klein: Under this provision after you negotiate with the governor the package would come forward and would have to be approved by the legislature?

Gary: They could deny the recommendation of the governor. It would go back to negotiations again.

Senator Potter: You mention nine different groups, first the words, the commissioner shall supervise elections, and I presume that the employees have asked for that?

Gary: The elections are held they had gathered thirty percent of cards or fifty had agreed in a formal election.

Discussion continued about how this agency would work and how it is going to help employees.

Stuart Savelkoul, Executive Director of NDPEA: Written testimony in favor of the bill.

Discussion continued.

Dave Kemnitz, President of ND AFL-CIO: Written testimony in support of the bill.

Fern Pokorny, NDEA: Written testimony in favor.

Lisa Fair McEvers, Commissioner of NDDOL: I would need additional staff. I think we could do this if we had the resources and training.

Laurie Sterioti Hammeren, Human Resources Management Services: We are neutral on this bill. Human Resources does provide technical support to both management and employees.

We have two negotiators on staff. We can keep mediation private. I think we have a lot of these resources available.

Chairman Klein: In the twenty five years working in human resources did you ever have a problem delivering a good idea to your superiors or coworkers.

Laurie: We had systems in place. I think there are mechanisms to do that.

Chairman Klein: Committee we will recess.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2331

Senate Industry, Business and Labor Committee

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Hearing Date: February 11, 2009

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Committee Clerk Signature

Eva Lubelt

Minutes:

Chairman Klein: We will go to 2331. We heard that one this morning.

Senator Andrist: I never got the answer I was looking for. After the testimony we learned other state employment association doesn't really like the bill. The director of human resources for the state has misgiving about it. It has a potential to tie up the labor commissioner. I move a do not pass.

Senator Nodland: I second.

Senator Potter: For me this is a simple one. In the private sector I have this right. If they are willing to take away their right to strike. How can we not pass this? I don't think we should prevent are public employees from having bargaining power.

Senator Nodland: We have an HR person to help with the employees problems. Between the labor commissioner and HR person they should get the help they need.

Senator Horne: I am going to support this. It helps them to be organized and would help with the moral.

Row Call Vote: Yes: 4 No: 3 Absent:

Floor Assignment: Senator Andrist.

Date: Feb 11, 2009
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2331

Senate

Committee

Industry, Business and Labor

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Pass Do Not Pass Amended

Motion Made By Senator Andrist Seconded By Senator Nodland

Senator	Yes	No	Senator	Yes	No
Senator Jerry Klein - Chairman	✓		Senator Arthur H. Behm		✓
Senator Terry Wanzek - V.Chair	✓		Senator Robert M. Horne		✓
Senator John M. Andrist	✓		Senator Tracy Potter		✓
Senator George Nodland	✓				

Total (Yes) 4 No 3

Absent 0

Floor Assignment Senator Andrist

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2331: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2331 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

SB 2331

SB 2331

Industry, Business & Labor Committee

February 11, 2009

Jerry Klein, Chairman

Good Morning, Mr. Chairman, Committee members. For the record, my name is Dave Nething. I am the Senator from District 12, which is 5/6 of the city of Jamestown.

I am here to present SB 2331 which I call the Limited Collective Bargaining Partnership Act.

Before I explain what the Bill does, I want to tell you why I have introduced this Bill.

For some time all of us have become aware of the projections for, and in parts of ND, an existing shortage within our labor market. This is true not only in the private sector, but the public sector as well. It is also true the current economic challenges and the potential need for some workers to continue working longer than they had planned will give us some temporary relief, but the problem will still be with us. We are able to make some changes in the public employee work place to help remedy this problem. This is what SB 2331 is about.

SB 2331

The purpose of the Act is to:

- Permit more formal and engaged participation and decision-making by employees without weakening executive decision-making authority
- Create a formal frame work to aid state agency discussions and recognize existing employee organizations
- Does not mandate employee membership or payment of dues to any organization
- Discussions are voluntary and will not result in binding arbitration as Governor will retain final decision-making authority
- Governor and legislature retain full budget authority
- Existing personnel rules regarding hiring, disciplining and termination are not impacted
- Contains very clear no-strike provision
- No impact on private sector or local government employees
- Offers public sector employees fairness and parity with private sector employees

The Goals of the Act are to:

- Enhance employee recruitment, training and retention
- Identify and implement efficiency measures

SB 2331

- Eliminate waste and redundancy
- Improve customer satisfaction via improved services
- Improve Workforce Safety

The limiting features of the Act are:

- Limited to Executive Branch in classified service
- Limited to no strike, work stoppage, and no binding arbitration
- Under Governor, i.e., Labor Commissioner sets out duties
- Provides selection of employee's representation
- Sets out filing requirements of employee organization
- Sets out terms of negotiating partnership agreements
- Sets out resolution of impasse and disputes procedure

Let me now walk you thru the Bill.

Section 1:

- Page 1 – prohibits strike or work stoppage
- Pages 1 & 2 – sets out definitions
- Page 3 – sets out commissions duties
- Pages 4, 5 & 6 – determines selection of representatives
- Page 6 – sets out filing requirements

SB 2331

- Page 7 – negotiating partnership agreement
- Page 7 – agreements with statewide uniformity
- Page 7 – agreements with individual groups
- Pages 7 & 8 – agreements within particular departments
- Page 8 – impasse and dispute resolution

That is the Bill, Mr. Chairman. I will try to answer your questions.



NORTH DAKOTA
PUBLIC EMPLOYEES ASSOCIATION

AMERICAN FEDERATION
OF TEACHERS LOCAL 4660 AFL-CIO



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Testimony on Senate Bill 2331
Before the Senate Industry, Business, and Labor Committee
Gary Feist, President, NDPEA
February 11, 2009

Good morning Chairman Klein and members of the Senate Industry, Business, and Labor Committee, my name is Gary Feist and I am President of the North Dakota Public Employees Association AFT Local 4660. I am here to testify in support of Senate Bill 2331 which creates a limited collective bargaining partnership for employees in the executive branch.

This partnership would be an agreement that was arrived at through good-faith discussions between the governor's designee on behalf of the executive branch and representatives of the certified employee organizations on behalf of the covered employees. The partnership agreement and the voice that it would provide employees would be a move to improving government services, achieving efficiencies, and establish a framework for discussing issues of mutual concern to the covered employees in the state.

This partnership agreement is part of the changing economy and is similar to the collective bargaining partnership agreements that have been implemented most recently in states of Kansas and Colorado. The agreement will help the state and its employees provide quality services to citizens of North Dakota. The agreement would make the employees participation in the decisions affecting them on the job more democratic, representative, and institutionalize the process of allowing employees to participate in decisions. The bill establishes nine partnership units in which the employees would be grouped. The units are based on community interest and similar issues that affect employees within each unit. Particular partnership agreements may also be negotiated, depending on the nature of the issues subject to the agreement, on a state wide basis, occupational group basis, or a departmental basis.

During the budgeting process over the past several years NDPEA has had the opportunity to meet with the governor's office to discuss a salary package for state employees, and discuss other issues that are important to all state employees. While we appreciate these meetings and feel they have been valuable in addressing state employee issues, more can be done to gain the perspective of front line employees in every agency across the state. The partnership agreement contained in this bill would encourage greater participation and input of employees in future salary negotiations and other important issues affecting employees on the job. The partnership agreements would also establish a mechanism to improve service delivery and identify savings throughout state government. This agreement continues legislative authority to approve

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Testimony

appropriations for state employee salaries and budget expenditures. For example, after the employees and the governor's designee have agreed on the salary package for state employees the package would have to be approved by the legislature.

This bill prohibits strikes, work stoppages, work slow downs, sickouts or similar disruptive measures against the state. The limited partnership agreement would provide a voice to employees and make them feel that they are part of the process and that their voice matters. In every sector of our economy, those enterprises that survive and prosper are the ones that listen to front line employees and change their operations to deliver better services. This bill would help us do that in state government. I urge you to give this bill a do pass recommendation.

Thank you for your time and I'm willing to answer any questions.

Note: Montana, Minnesota, South Dakota, Iowa, Wisconsin and Nebraska all have laws providing collective bargaining rights for state employees.



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Testimony on Senate Bill 2331
Before the Senate Industry, Business, and Labor Committee
Stuart Savelkoul, Executive Director, NDPEA
February 11, 2009

Good morning Chairman Klein and members of the Senate Industry, Business, and Labor Committee, my name is Stuart Savelkoul and I am the Executive Director of the North Dakota Public Employees Association. I am here to testify in support of Senate Bill 2331, which creates a limited collective bargaining partnership for employees in the executive branch. I would like to begin my testimony today by thanking the sponsors of this bill. Collective bargaining is a subject often surrounded by controversy. The fact that Senator Nething and the other sponsors of this bill were eager to start this conversation speaks to their willingness to improve the work environment for all of North Dakota's state employees.

Perhaps the most important question that you, as legislators, need to answer for yourselves when considering legislation like this is, "Why is the concept of collective bargaining for state employees controversial?" Each of you would probably answer that question differently. Because of that, and for the sake of expediency, I will offer the reason why I believe collective bargaining agreements like that proposed in Senate Bill 2331 are considered controversial. To be frank, I believe that many people simply do not understand collective bargaining. Of course you, as legislators, probably have a very solid grasp of collective bargaining. Mr. Feist has already explained to you what this bill does not do. This bill will not allow state employees to strike. It will not allow work stoppages. It does not permit work slow downs. All of these actions will be every bit as impermissible after passing this bill as they were before.

What this bill will do, if passed, is facilitate a process that will benefit not only the employee, but the employer as well. This bill would ensure that our state employees would have the opportunity to participate in the discussions that impact their professional lives. Obviously, NDPEA believes that having collective bargaining will benefit our state employees. However, we also believe that the state itself will benefit from the passage of this bill as it will allow very clear expectations to be set for employees. The fact is, collective bargaining is learning experience for the employees and employers that utilize it, by encouraging both sides to consider the other's position on issues such as hours, wages, benefits, working conditions, and the rules of the workplace.

Chairman Klein, members of the committee, I conclude my testimony today by asking you to consider what it is that kept you from sponsoring legislation like this, yourself. The North Dakota State Legislature has considered collective bargaining bills in the past, and yet, none have ever passed both houses. This bill is different than those considered in previous years. This bill is very similar to what was recently passed in Kansas and Colorado. Our neighbors on every side of our state have collective bargaining agreements in place for their state employees. My hope is that after you have given this bill careful consideration, you will find that the type of collective bargaining allowed by Senate Bill 2331, is exactly the kind of collective bargaining that you can get behind.

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Testimony

Public Employee Collective Bargaining

Senate Bill 2331

Hearing: February 11, 2009

Senate I, B & L

ND AFL-CIO-----David L. Kemnitz; President

The ND AFL-CIO and its affiliates support and promote collective bargaining. SB 2331 creates a process in which state employees can peacefully, constructively and cooperatively work with their employers in improving all aspects of the joint employment relationship. To that end we support the limited but meaningful intent of SB 2331.

It is our desire that the following information will help in clarifying what collective bargaining is and how it works. We have included in our handout information on the definitions, concepts and general procedures used in Labor-Management relations concerning collective bargaining. The copies taken from the Federal Mediation and Conciliation Services website www.fmcs.gov and enclosed are particularly informative as to processes and resources that both labor and management can use.

Collective bargaining is the process whereby workers organize together to meet, converse, and compromise upon the work environment with their employers. It is the practice in which union and company representatives meet to negotiate a new labor contract.¹¹¹ In various national labor and employment law contexts, collective bargaining takes on a more specific legal meaning. In a broad sense, however, it is the coming together of workers to negotiate their employment.

A collective agreement is a labor contract between an employer and one or more unions. Collective bargaining consists of the process of negotiation between representatives of a union and employers (represented by management, in some countries by employers' organization) in respect of the terms and conditions of employment of employees, such as wages, hours of work, working conditions and grievance-procedures, and about the rights and responsibilities of trade unions. The parties often refer to the result of the negotiation as a *Collective Bargaining Agreement* (CBA) or as a *Collective Employment Agreement* (CEA).

Once a collective bargaining agreement is settled and a union contract is signed, it is binding on both the union and management. However, disagreements with contract implementation can arise and violations of the contract terms can occur. In these cases, a grievance, or complaint, can be filed. The differences that must be resolved are usually handled through a step-by-step process that is outlined in the collective bargaining agreement. The grievance procedure begins with a complaint to the worker's immediate supervisor and, if unresolved at that level, moves upward, step by step, to higher levels of management. If no resolution is found at any of these levels, the two parties can agree to

Theories

A number of theories – from the fields of industrial relations, economics, political science, history and sociology (as well as the writings of activists, workers and labor organizations) – have attempted to define and explain collective bargaining.

One theory suggests that collective bargaining is a human right and thus deserving of legal protection. Article 23 of the Universal Declaration of Human Rights identifies the ability to organise trade unions as a fundamental human right.^[2] Item 2(a) of the International Labor Organization's Declaration on Fundamental Principles and Rights at Work defines the "freedom of association and the effective recognition of the right to collective bargaining" as an essential right of workers.^[3]

- The right to bargain collectively with an employer enhances the human dignity, liberty and autonomy of workers by giving them the opportunity to influence the establishment of workplace rules and thereby gain some control over a major aspect of their lives, namely their work.
- Collective bargaining is not simply an instrument for pursuing external ends...rather [it] is intrinsically valuable as an experience in self-government.
- Collective bargaining permits workers to achieve a form of workplace democracy and to ensure the rule of law in the workplace. Workers gain a voice to influence the establishment of rules that control a major aspect of their lives.^[4]
-
- have the grievance submitted to an impartial outside arbitrator for a decision binding to the union and management.
- Collective bargaining is a successful way for workers to reach their goals concerning acceptable hours, and working conditions. It allows workers to bargain as a team to satisfy their needs. Collective bargaining also allows management to negotiate efficiently with workers by bargaining with them as a group. Partnership bargaining can lead to increased understanding and trust between labor and management. It is a positive, cooperative approach to collective bargaining that also culminates in contracts between labor and management.

CHAPTER 34-05
DEPARTMENT OF LABOR

34-05-01. Statistics relating to the employment of labor. The labor commissioner shall collect, systematize, and submit in biennial reports to the governor and the secretary of state in accordance with section 54-06-04 statistical details relating to the employment of labor in the state. The statistics may be classified as the labor commissioner determines best.

34-05-01.1. Department of labor. There is hereby created the North Dakota department of labor. All records, materials, supplies, and equipment used by the deputy commissioner of agriculture and labor in the official capacity as administrator of the labor division of the department of agriculture and labor must be transferred to the department of labor.

34-05-01.2. Labor commissioner to administer department of labor. Beginning January 1, 1999, the governor shall appoint a labor commissioner to administer the department of labor. The labor commissioner shall serve at the pleasure of the governor.

34-05-01.3. Duties of labor commissioner. The labor commissioner shall:

1. Improve working conditions and living conditions of employees and advance their opportunities for profitable employment.
2. Foster, promote, and develop the welfare of both wage earners and industries in North Dakota.
3. Promote friendly and cooperative relations between employers and employees.
4. Cooperate with other state agencies to encourage the development of new industries and the expansion of existing industries.
5. Represent the state of North Dakota in dealings with the United States department of labor, with the federal mediation and conciliation service, and with the United States veterans' administration with respect to job training programs.
6. Acquire and disseminate information on the subjects connected with labor, relations between employers and employees, hours of labor, and working conditions.
7. Encourage and assist in the adoption of practical methods of career and technical education training, retraining, and career development counseling.
8. Report biennially to the governor and to the legislative assembly concerning activities of the department of labor, including in such report recommendations for legislation deemed necessary or desirable to effectuate the purposes of this chapter.
9. Administer the provisions of chapter 34-06 relating to wages and hours, chapter 34-07 relating to child labor, and the provisions of chapter 34-12 relating to labor-management relations.
10. Perform such other duties as may be required by law.

34-05-01.4. Independent contractors - Determination made by commissioner. A person beginning work or working as an independent contractor may apply to the commissioner to receive verification of independent contractor status. The commissioner, upon receiving an application, shall review the circumstances of the applicant's job and other relevant information. When the information supports a finding under the "common law" test that the applicant will be working or is working as an independent contractor, the commissioner shall issue a determination to verify the status of the applicant as an independent contractor and shall issue the independent contractor an identification number that will be invalid if the applicant's job



Who We Are / FMCS Public Documents

Mission and Values

Mission Statement:

FMCS' mission statement reflects the statutory intent of the Agency. Our mission is to:

- Promote the development of sound and stable labor management relationships;
- Prevent or minimize work stoppages by assisting labor and management to settle their disputes through mediation;
- Advocate collective bargaining, mediation and voluntary arbitration as the preferred processes for settling issues between employers and representatives of employees;
- Develop and advocate the art, science and practice of conflict resolution through the use of ADR;
- Assist parties in conflict through the provision of conflict resolution services; and
- Foster the establishment and maintenance of constructive joint processes to improve labor-management relationships, employment security and organizational effectiveness.

Values Statement:

Reflecting our mission statement, our commitment to a viable collective bargaining system, and the benefit of effective conflict resolution processes as a foundation for society's well being and economic growth, this value statement embodies our core principles:

- Relationships are critical to the success of an organization; they affect creativity, productivity and adaptability, as well as the quality of workplace life.
- Poor relationships and communication represent a substantial barrier to achieving the kind of process innovation and high performance work organization demanded in the current business climate.
- The Agency's core mission of mediating and facilitating the resolution of workplace disputes and problems requires absolute neutrality, confidentiality, and acceptability to customers.
- In order to have maximum impact and to meet statutory obligations, the Agency must focus primarily on organizations and matters having the greatest effect on interstate commerce and/or public health and safety
- Collaborative, problem-solving approaches to the resolution of conflict should be cultivated and encouraged whenever possible.



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- FMCS Public Documents
- Agency Departments
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- FAQ

FAQ

Frequently asked questions about FMCS

Q - [What is the difference between mediation and arbitration?](#)

Q - [When should a mediator become involved in negotiations?](#)

Q - [What is collective bargaining mediation?](#)

Q - [Does using a mediator mean negotiations have failed?](#)

Q - [What can a mediator add to collective bargaining negotiations?](#)

Q - [Can a mediator be trusted with negotiating strategies and bottom lines on positions?](#)

Q - [What else can FMCS do to help the collective bargaining process?](#)

Q - [Is there a charge for FMCS services?](#)

Q - What is the difference between mediation and arbitration?

A - Mediation is a voluntary process, bringing a neutral third-party into a negotiation as a facilitator. It may or may not lead to an agreement between the parties. Arbitration is a process agreed to by the parties in which, at its conclusion, a neutral third-party will impose a binding agreement on both parties.

[▲ Back to Top](#)

Q - When should a mediator become involved in negotiations?

A - The mediator is involved from the time a [contract notification](#) is received by FMCS and the case is assigned. The real question is: how actively involved should they be. The answer is: as active as necessary to improve the bargaining process. More and more parties are asking the mediator to conduct [training](#) for bargaining teams. This is particularly helpful in the negotiation of an initial contract between a company with no union experience and a newly certified union.

[▲ Back to Top](#)

Q - What is collective bargaining mediation?

A - Collective bargaining mediation is a voluntary process that occurs when a neutral third-party mediator assists the two sides in reaching agreement in contract negotiations. For over 50 years, Federal mediators have provided these services, including mediation of initial contract negotiations, which take place between a company and a newly-recognized union.

[▲ Back to Top](#)

Q - Does using a mediator mean negotiations have failed?

A - Absolutely not. It means the parties to the negotiation are using a

tried and true resource available to them to improve their bargaining and to create an environment in which people are more likely to listen. Mediation can add a lot to the bargaining before the final offer hits the table, or the parties hit an obstacle and progress is stalled. Mediation is an integral part of the collective bargaining process.

[▲ Back to Top](#)

Q - What can a mediator add to collective bargaining negotiations?

A - The mediator can improve the bargaining process in a number of ways:

1. Help establish groundrules for the negotiations, and realistic expectations.
2. Help the parties decide what form of negotiation will be most effective in a particular situation: traditional, interest-based or a hybrid.
3. Help clarify and crystallize issues and differences. Mediators try to deal in the world of interests rather than positions. Frequently, the parties both want a similar outcome. They just have a different view of how to get there, or sometimes, they just phrase it differently. Often, their goals are separate, but not contradictory. When the parties understand the underlying interests that drive bargaining positions, they can identify and agree on matters that are not really in dispute and then focus on the real issues that separate them.
4. Help the parties define the problem. What is perceived as a personal or relationship problem may actually be a systems problem. Just as importantly, the mediator can help the parties fully explore and understand long and short-term alternatives to their proposed solutions. If there is no agreement on a particular issue, what happens? If there is no agreement on a contract, what is the worst alternative? What is the best alternative? What are the costs of non-agreement or continued disagreement?
5. Convene and adjourn bargaining sessions and joint meetings. An effective mediator knows when joint or separate meetings are productive and when they're not. They know that, sometimes, it's important to let the parties vent in joint meetings, and sometimes it's better to adjourn and give one or both sides time to regroup, reconsider, or just cool off.
6. Help keep the talks moving along, focused and on track.
7. Generate new options. It's very natural for negotiators, who've been developing and living with contract issues, to "lock in" on one approach. The mediator, as a neutral third-party, can take a more objective view and suggest options that more smoothly achieve bargaining aims.
8. Help improve communication, which is usually the greatest impediment to successful outcomes. This can range from rephrasing statements so that all parties clearly understand what is being said and what is meant, to mediator "supposals." These supposals allow exploratory proposals to be offered for discussion by the mediator without ownership and attendant risk to either party. Mediators can also meet off the record with the parties, and they often engage in "shuttle diplomacy," moving back and forth between separate meetings of the parties carrying offers and counter-offers.
9. Provide or share information. When both parties have access to the same information, miscommunication and misunderstanding can frequently be avoided. Obviously, there might be information that one party considers proprietary and does not wish to share, but just as often, there is information that both parties can use to better evaluate the situation. And sometimes, it's as simple as the mediator letting both parties know what's going on elsewhere in the country or in a particular industry that would be relevant to the negotiations.
10. Handle or help manage relations with the news media. Mediators understand the sensitivity of negotiations. They may ask the parties to refrain from making any statements to the news media while the talks are in progress, or at least, to avoid trying to negotiate in the press. At other times, the parties may ask the mediator to handle the press contact. The mediator can assess the impact of the negotiations on a community and decide what to say and what not to say.

[▲ Back to Top](#)

Q - Can a mediator be trusted with negotiating strategies and bottom lines on positions?

A - Federal mediators have an absolute commitment to confidentiality in collective bargaining. The critical importance of mediator confidentiality to the process has been upheld in the courts. Because federal mediators know that if their confidentiality with the parties or neutrality were ever compromised, they could not be effective, they do not convey information without the permission of its owner.

[▲ Back to Top](#)

Q - What else can FMCS do to help the collective bargaining process?

A - In today's highly competitive global economy, workplace relations are changing. An important aspect of this is the changing labor-management relationships within those workplaces. There is a growing need for strong, positive working relationships between management and workers, so that U.S. companies and their employees can both succeed and prosper.

Since 1947, FMCS services have continued to expand by statute and practice. The Labor-Management Cooperation Act of 1978 authorized and directed FMCS to offer services to improve economic development, job security, and organizational effectiveness. For companies and unions committed to, or exploring, improved labor-management relations, a variety of education and training processes ([link to Learning 1.3](#)) and services are available to help break down barriers and build better working relationships which benefit employer and employee alike. Ask your [FMCS mediator](#) ([link to 1.4.1](#)) about Preventive Mediation services.

[▲ Back to Top](#)

Q - Is there a charge for FMCS services?

A - For the most part, no. The Federal government provides most FMCS mediation services in support of collective bargaining free of charge to the parties. FMCS also offers other government-subsidized services for community and organizational conflict resolution. There are modest charges for some services such as arbitration referral.

[▲ Back to Top](#)

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Group Facilitation

Interpersonal Communications

Labor-Management Partnership Building

Labor-Management Roles and Responsibilities

Organizational Development

Repairing Broken Relationships

eServices-TAGS

Arbitration

Notice of Bargaining

Grants Program

Best Practices

Publications About Services and Programs

Relationship Development & Training

The Evolving Role of Federal Mediation – Facilitation and Training to Improve the Labor-Management Relationship

FMCS provides assistance and training in cooperative processes to help labor and management break down traditional barriers and build better working relationships.



Alternative Bargaining Processes
Alternatives to traditional negotiating include interest-based bargaining.

Contract Administration Training
Translating a negotiated agreement from language to practice – teaching stewards and supervisors to work together effectively.

Custom Training & Workshops
Addressing specific labor-management needs through customer-designed dispute resolution training programs.

Group Facilitation
Addressing specific labor-management needs through customer-designed dispute resolution training programs.

Interpersonal Communications
Communication techniques for building strong labor-management relationships.

Labor-Management Partnership Building
Training programs to create and assist labor-management committees and partnerships in addressing workplace issues.

Labor-Management Roles and Responsibilities
Developing understanding of organizational roles and responsibilities.

Organizational Development
Building organizational awareness and understanding to both labor and management.

Repairing Broken Relationships
Training labor and management in strategic planning principles and processes as a means of repairing damaged relationships.

TO FIND OUT MORE...

Click here to contact us for information or services.

Testimony for SB 2331 February 11, 2009

Senate Industry, Business and Labor Committee

Fern Pokorny

Chairman Klein and members of the committee, my name is Fern Pokorny. I work for the North Dakota Education Association. I am here to support SB 2331 because we think it's important for all employees to have the opportunity to meet with their employers to discuss the terms and conditions of employment. My job with the NDEA includes training our members to negotiate and clarifying the process outlined in the Teacher Representation and Negotiation Law Chapter 15.1-16. It is a legal forum for an exchange of views as equals not as employer/employee and takes away the fear of being fired for expressing views.

I am here today to outline the benefits of the teacher collective bargaining law in North Dakota to provide evidences as to why SB2331 would be beneficial to our state. This is the one opportunity for the employers and employees to meet to discuss issues. It is rare that school board members talk to those "who work in the trenches" except at the negotiations table. This is where information is shared, problems are solved, and each party is educated about why we do things the way we do. Often time's negotiations are misunderstood because the media only shows up to do a story when the process is in trouble. For example, with roughly 200 school districts, there are a handful of impasses each year; in fact, there was only one last year. That means approximately 98% complete the negotiation process positively.

SB 2331 is similar to the teacher negotiation law because a representative organization is recognized so management only has to work with one group rather than several hundred employees individually. Once issues are resolved and agreed to, an agreement is put in writing. Now there is a document the employer and an employee have collectively agreed to, be held accountable for and serves as a reference when they wonder about an issue on the job. No one has to guess because it is written where they can easily find it.

Each contract is unique. Some are 30 pages, others are just a few. Our state employees are reasonable people who will not try to bargain for something the state cannot afford.

Hopefully, my testimony gives you a small taste of the benefits of collective bargaining and I hope you support SB2331.