



Labor Relations Best Practices

FROM THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

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Ground Rules for Negotiations

Negotiation, the art of reaching an agreement, thrives on a foundation of mutual understanding and respect. While the specific agenda and objectives hold undeniable importance, the ground rules that govern the interaction between the parties often prove equally crucial for a successful outcome.

Imagine a negotiation without ground rules: interruptions abound, emotions run high, and the discussion becomes mired in confusion and conflict. This ineffective scenario, unfortunately, represents the potential reality without a clear set of guidelines. In contrast, well defined ground rules orchestrate a productive and professional environment, paving the way for a successful negotiation.

Why are ground rules important?

- Create a positive environment: Ground rules promote a sense of fairness, respect, and trust, which fosters a more collaborative and productive atmosphere.
- Minimize conflict: Clear expectations help prevent misunderstandings, disagreements, and emotional outbursts that can derail even the most productive negotiations at any juncture in the process.
- Increase efficiency: By outlining how communication will flow, how decision making will occur, and how breaks will be handled, negotiations will move forward smoothly and efficiently.

Tips for effective ground rules:

- Develop collaboratively: Involve all parties in creating the ground rules to ensure buy-in and commitment. This can be done informally prior to negotiations.
- Focus on behavior: Frame the rules as guidelines for how to communicate and engage professionally, not what specific outcomes should be.
- Keep it concise: Limit the number of rules to the most crucial aspects for conducting a productive discussion. Past bargaining history may dictate the need for some ground rules more than others.
- Review and agree: Clearly state and review the ground rules at the beginning of the negotiation and ensure everyone understands and agrees to them. Record them as the first item of business in the first meeting minutes as presented and agreed to verbally or with an agreed upon document.

With the importance of ground rules firmly in mind, we can now shift our focus to the language itself. By using specific phrases that promote collaboration and mutual understanding, you can set the stage for a productive and ultimately, mutually beneficial discussion.

As a reminder, these are only potential guidelines to use when crafting your own local language that fits the culture, practices, and customs of your area. This Negotiation Ground Rules best practice document is a living document and suggestions for additional considerations from NECA Chapter staff or NECA Region offices can be submitted via email to LR@necanet.org.

1. Leadership and Documentation

- a. Decide who is the Chairperson and Secretary for each meeting, whether those positions rotate, and how they are chosen.
- b. Establish authority to bargain and record that both parties are authorized to reach an agreement on behalf of their respective membership.
- c. Determine how many people are on each committee and whether each committee has the same number of people.
- d. Determine which of the attendees at the meeting are voting members of the committee and which are observers, if any.
- e. Establish when and how minutes are agreed upon by the parties. NECA recommends these are shared electronically between meetings with any discrepancies addressed prior to the meeting.
- f. Establish the ratification process for the parties once an agreement is reached.
- g. Establish if ratification is required, and if the respective negotiating committee will recommend any settlement reached.
- h. Determine if a mutual proposal tracking document will be used or if each party will record their own internally.

2. Communication and Decision Making

- a. Select who can make an offer or acceptance. Is it the Chairperson from each party only, all committee members individually, or is the entire committee together needed to make and accept offers.
- b. Decide whether offers must be in writing, or if verbal offers constitute acceptable offers.
- c. Decide what to do if an item is formally or tentatively agreed to. Is it settled forever, or can it be mutually reopened?
- d. Decide what to do once an agreement has been reached on proposals. Is a tentative agreement sheet signed while more specific language is crafted, or is the general agreement the end of negotiations?
- e. Establish when an off the record offer is made that the parties agree it will remain off the record.

3. Miscellaneous Factors

- a. Is the negotiation open to the public? Will there be an agreement to not publicly comment on negotiations, or the manner committee members speak to the press?

- b. Will an agenda be created for each meeting, and if so, who will create it?
- c. Is there a time limit on caucuses or the length of the meeting?
- d. Basic rules and etiquette regarding how attendees will respect individuals when speaking / basic professionalism decree.
- e. Do both parties agree on the definition of "Total Package?" Record the dollar amount that all base wage, sub-total (if applicable) and total package proposals will be based on. It is also recommended to agree to the CIR package amount.

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