

Section 3: Operations

Chapter 14: Labor Relations

Many elected municipal officials find themselves caught in a trap because they allow themselves to be drawn into the local labor relations process. The trap is such that, the more you squirm, the tighter the bindings get. Elected officials are bound to aggravate some constituents no matter what they do.

The solution, with labor relations, is to avoid getting involved in the process as much as possible. Mayors in strong mayor governments are an exception because, as chief executives, they must direct the labor relations in their cities. All other officials, especially councilmembers, would be well advised to stay away from labor relations.

However, keeping out of the labor relations process is easier said than done. Inevitably, city or village councils must approve all labor agreements. They must also adopt budgets which affect, and are affected by, negotiated agreements.

Councilmembers have a responsibility to vote intelligently and with the best interests of the entire community in mind. To do this, they must be well informed.

However, becoming informed leads to a degree of unavoidable involvement. For instance, it would be a council's duty to not approve a labor agreement that would bankrupt the municipality. But such a choice should never have to be made. There are specific steps to take to avoid it.

The goal as elected officials is to stay as far removed from the labor relations process as possible. At the same time, elected officials should be able to fulfill their responsibilities.

Stay Off the Negotiating Team

First, elected officials should not be on the management negotiating team. In most municipalities, elected officials rarely consider this role. However, in smaller communities, there are not always enough

executives who can handle negotiations. Councilmembers are sometimes tempted to get directly involved. This is almost always a mistake.

For one thing, it is not wise for the ultimate decision-maker to face the union across the bargaining table. An argument often used by union negotiators is "I don't think I can convince my membership of your position." Management negotiators need to be able to use the same argument, either expressly or by implication. There needs to be some unseen person or persons who are hard to convince. If the council is right there at the bargaining table, obviously the management negotiators cannot use the same argument when they are cornered.

Another reason to exclude elected officials from the bargaining team is that they may not be skilled negotiators. Most people negotiate many aspects of their daily lives, but labor negotiations require specific technical knowledge. Experience in negotiating the price of a house or used car or the settlement of a lawsuit is, unfortunately, of very little practical use in labor negotiations.

Also, experience in private sector labor negotiations is very often of limited use in public sector labor negotiations. The issues, though similar in appearance, are usually quite different in substance. The life experiences of most elected officials will help them judge a labor agreement they are asked to approve, but do not qualify them to actually negotiate it.

The last reason for an elected official not to be on the bargaining team is political. Issues in labor negotiations stir the emotions. Members of management negotiating teams routinely must say "no" to union representatives who passionately believe in the justice of their proposals. Management negotiators are often perceived as stingy and mean. Frequently union

negotiators do not realize that they are told “no” simply because management cannot say “yes.” The elected official who is one of the people at the table saying “no” is alienating constituents.

Avoid Discussing Negotiations

Elected officials also should avoid discussing labor negotiations. Do not voice a position. No matter what your position is on the labor issue, someone will disagree with it. When the council is presented with a negotiated labor agreement for approval, the differences have been worked out and the parties have agreed to it. Both parties are, in effect, asking for the same thing. If any opinion is expressed prior to that, an official will be perceived as taking sides and will alienate someone.

The worst possible situation is the councilmember whose next-door neighbors are the union president on one side and the leader of the citizens’ committee for tax reduction on the other. A councilmember in such a position can only say to both, “I don’t believe it would be appropriate to discuss the negotiations,” or “I believe in a fair day’s work for a fair day’s pay and I hope the negotiators reach an agreement to that effect.”

This is particularly good advice for the official who was elected with specific union support. The best way such an elected official can help his union friends is to stay out of the negotiations. Any discussion of bargaining table issues away from the bargaining table by people such as councilmembers, who must be ultimately involved, can only disrupt the process. It can never help.

Stay Uninvolved, but Informed

On the other hand, if the council is to be more than just a rubber stamp approving all labor agreements, it may have to have some involvement in determining policies and guiding the management negotiators. The degree to which this is necessary varies.

If the city or village has an experienced management negotiator with whom the council is comfortable, the need for such

involvement is minimal. In a town with an elected chief executive, the council can quite properly exercise no involvement until it is called upon to approve the negotiated labor agreement. If the council feels it needs to discuss the negotiations prior to their completion, it should do so only under carefully controlled circumstances. Whatever the degree, the method of such involvement is important.

Michigan’s Open Meetings Act permits a public body to meet in closed session to discuss labor negotiations. Using a closed or executive session can be an effective way for a city council to exercise some control over the city’s negotiators without disrupting the collective bargaining process. However, this will only work if strict confidentiality is subsequently maintained.

Suggest Broad, General Guidelines

It is important that the council avoid tying the hands of its negotiators by mandating specific bargaining outcomes. Broad, general policy guidelines can be helpful to a negotiator, but absolute, specific instructions can be crippling.

For example, if a city council insists a particular fringe benefit be abolished or a particular work rule be established, it may find later that the result was achieved, but only at an unacceptable cost. This would be especially true if the union negotiators somehow learned of, or guessed at, the council mandate.

Delegate Negotiating Responsibility

It is a much better policy for a city council to delegate all negotiating responsibility to a negotiator with only the broadest of guidelines, if any. This can be a lot to ask; however, the city council is not abdicating its responsibilities. After all, in the final analysis, the council can vote to not approve a labor agreement.

Never Disapprove the Labor Agreement

Even though the option is always available, a city council should never veto a labor agreement. Disapproval by a city council of

a labor relations agreement is roughly equivalent to using atomic weapons in international relations. Disapproval is a power whose very existence keeps both management and union negotiators in line, but which should not be exercised unless all else fails. It is much better to fire the negotiator than to disapprove the agreement.

Obviously, care in selecting the negotiator would be appropriate. Choosing an experienced negotiator with a proven track record is the safest course. When an elected body, be it a city council or a school board, vetoes a negotiated labor agreement, it destroys the credibility of its negotiator and either seriously damages or destroys the credibility of the entire organization. In such a case, the Michigan Employment Relations Commission (MERC) may order the council itself to the bargaining table if an unfair labor practice is charged.

The general advice to elected officials, then, is to place labor negotiations in the hands of the best people available and stay out of the negotiations as much as possible.

Another Pitfall

Another labor relations pitfall that councils should avoid is employee discipline cases. An employee who has been disciplined might turn to a friendly councilmember for help. If the councilmember takes any action, he or she is in a no-win situation. If the employee is represented by a union, the councilmember cannot possibly be of any real assistance, and could add to the problem. The employee's union is always in the best position to see to it that each employee is treated fairly and justly. The union has the know-how, the means, the legal duty and the exclusive right to stand up for its members.

What Role to Play

Labor relations professionals are fond of saying that the correct role for the elected official to play in municipal labor relations is none at all. Unfortunately, this is too simple.

In most communities, elected officials have a serious responsibility regarding the operation of the municipal government. No elected official, particularly a member of a city or village council, should be advised to abdicate or ignore such responsibility.

Ironically, the collective bargaining process works best when there is no direct involvement by elected officials. The issues at the bargaining table are complex enough without adding a political dimension. Involvement by elected officials, by definition, adds a political dimension.

The precise degree of involvement in labor relations, if any, is a decision each elected official must make based on the circumstances of his or her own situation. Perhaps the best advice on this point comes from a small town councilman who advised his colleagues, "When in doubt, stay out."

This chapter is based on materials provided by **Joseph W. Fremont**, the labor relations consultant for the League from 1984 until his retirement in 2005.