

# 2012 MALMC Alternative Bargaining Processes

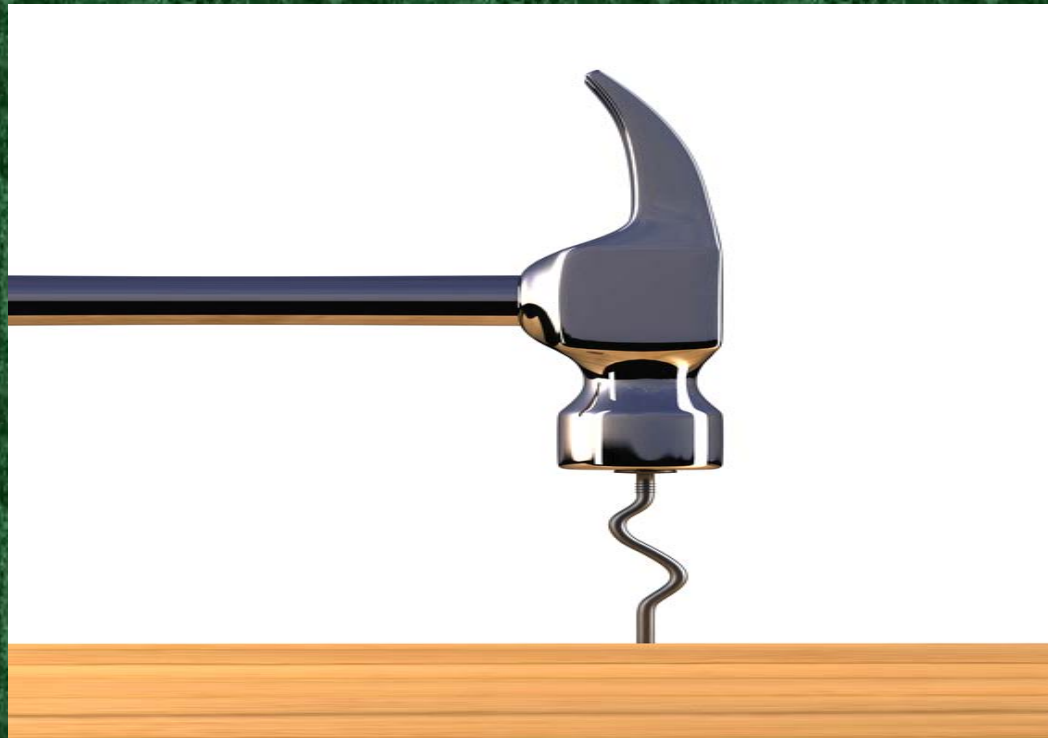
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Presented by

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*“When all you have is a hammer,  
everything looks like a nail.”*

**—Abraham Maslow**



# Offensive/Defensive Tactic

- “Punch the other guy **really hard!**” Solution – “Punch the other guy **really hard** *in the face.*”

–How’s that working for you?

Why not try something different?

If You Always Do What  
You've Always Done, You'll  
Always Get What You've  
Always Gotten





# Connecting the Lines



# Traditional Negotiations

POWER

PUNISHMENT



# Traditional Negotiations

- Opening exchange – demands
- Focus on separate or competing interests
- Exaggerated positions
- Strategic retreat
- Denial of legitimate claims
- Withholding of information

# Traditional Negotiations

- Little like driving an automobile (forward) and only looking through the rear view mirror
- Focus – how did we get screwed over
- Dangerous approach (driving into the future using only the rear view mirror)



# Traditional Negotiations

- Arguments around data relevancy
- Emphasis on control
- Negative behaviors
- Fluff
- Use of power

# Traditional Negotiations

Aftermath:

- May not reach the best agreement
- Resentment – revenge
- Game playing
- Unwillingness to implement

# True or False

- We should NEVER use traditional negotiations?
- The collaborative approach is always successful?

# Negotiation Approaches

What are some of  
disadvantages or advantages in  
using

- Traditional
- Collaborative



# Collaborative Negotiations Approach

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- Interest Based
- Modified Interest Based

# Goal of IBN

- To reach a desired and durable result
- To reach agreement efficiently & fairly
- To keep the relationship intact

# IBN Principles

- Joint ownership in the solution
- Ease of implementation
- Increased commitment and motivation leads to better results, more satisfied employees & very satisfied customers!

# Overview of the Interest-Based Negotiations Model

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# IBN Model

- Define the Issue
- Develop Options
- Identify Interests
- Craft Solutions
  - Ground Rules, Communication Strategies and Information Sharing

# IBN Terminology

- **Issue:** A problem or subject area to be addressed
- **Interest:** the underlying motivation, concern or need that must be considered in reaching a mutually satisfactory solution –  
**WHY**

# IBN Terminology

- **Options:** potential, often partial, solutions to satisfy one or more interests
- **Criteria:** broad or general agreed-upon qualities of an acceptable solution

# Defining the Issue

- The Checklist
  - Open-ended
  - Free of accusations and emotionally laden terms
  - Phrased as “What can we do to...” or “What might we do to...”



# Defining the Issue

- The statement of the issue may change during the IBN process
- IBN is a process of constant clarification

# Distinguishing Interests from Positions



# Distinguishing Interests From Positions

- Interests

- The needs or concerns underlying the issue

- Position

- One party's solution to the issue

# Interests

- Interest Statement
  - Identifies true needs and concerns regarding the issue
  - Opens the way to a dialogue so the things that are cared about can be discussed, understood and addressed



# Interests and Positions

- Testing Interests vs. Positions
  - Is there more than one solution that would meet the interest?
  - If not, it's probably a position

# Identifying Interests

- Identifying and understanding interests is key to the success of IBN
- A dialogue is required; listing interests is not enough

# Identifying Interests

- Listen attentively and with empathy
- Ask clarifying questions
- Confirm what you've heard in positive terms

# Identifying Interests

- Interests MUST be accepted as legitimate; they are not to be debated
- Acceptance and understanding do not mean agreement
- Don't get bogged down in debating whether an interest is mutual



# Pat's Reduction in Work Force

- What may be the underlying reasons why management is considering a reduction in force?
- What are the underlying reasons why the union does not want to see a reduction in force?

# Develop Options



# Options

- Developed by brainstorming



# Development of Options

- Options are potential solutions
- It is helpful to create a broad range of potential solution elements
- Options are not commitments



# Development of Options

- If the issue is complex:
  - Don't rely on brainstorming alone
  - Review all relevant data
  - Survey best practices
  - Obtain the views of experts

# Decisions

- Made by consensus



# Consensus Decision Making

- A decision that all members of a group can support
  - ◆ The decision may not be everyone's first choice, but everyone has had an opportunity to be heard

# CONSENSUS

Rule of thumb:

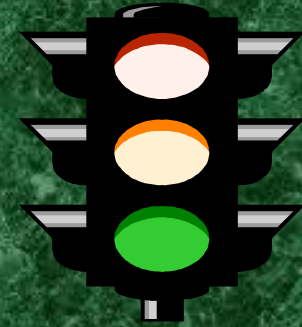


70% internal support equals  
consensus support



# Reaching Consensus

STANDOUT:

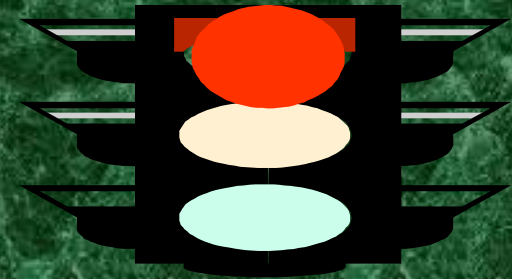


A member who:

- ◆ Explains why they disagree
- ◆ Offers suggestions to amend the potential solution(s) that would satisfy his/her concerns

# Reaching Consensus

**BLOCKER:**



A member who:

- ◆ CONSISTENTLY fails to agree
- ◆ Does not offer alternatives

# Support

- No member will undermine the decision of the group by privately promoting his/her pet solution or taking cheap shots at the group's decision



# Craft a Solution





# Select Solution Elements

- Options that best meet the interests and solve the problem
- Don't be afraid to combine options
- May have to create criteria or standards to help make a decision

# Reaching Agreement

- General guidelines for reaching a consensus
  - Attentive listening: understand why others believe what they believe
  - Encourage participation
  - Share information
  - Do not bargain or trade support

# Reaching Agreement

- Do not vote
- Treat differences as strengths
- Create a solution that can be supported by everyone
- Avoid arguing blindly for your own views

# Open & Honest Dialog





# Trust Account?



# Build Trust Account

