



Expert, step-by-step guidance on key labor negotiation issues and processes

Collective Bargaining SmartTask Library

Cheetah™ Labor & Employment Law

The **Collective Bargaining SmartTask Library** provides real-world guidance on key issues, considerations, and steps an associate should follow in working with a client to negotiate a collectively bargained agreement.

Written by Michael J. Soltis, nationally recognized labor law expert, each SmartTask in this series walks users step-by-step through critical stages of the collective bargaining process, with practical insights peppered throughout based on the author's many years of work in the trenches negotiating agreements between employers and unions.

Collective Bargaining SmartTask Library

- Preparing for Collective Bargaining Negotiation
- Bargaining in Good Faith
- Responding to Union Requests for Information
- Negotiating a Management Rights Clause
- Negotiating an Arbitration Clause

Preparing for Collective Bargaining Negotiation

This SmartTask lists the steps an associate should follow in working with a client to prepare for collective bargaining. The general strategy is a familiar one: work toward the best outcome—reaching an agreement—but be prepared for the worst outcome—a labor dispute as a result of not reaching an agreement. Every employer who goes to the bargaining table goes with a strategy. Preparing for negotiations involves identifying the information the bargaining team may need to create that strategy, pursue it at the bargaining table and achieve it through bargaining. More specific steps for preparing to implement that strategy follow.

Bargaining in Good Faith

This SmartTask details the steps an associate should take to assist a client to fulfill its obligation to bargain in good faith with a union representing its employees during negotiations for an initial or successor labor contract. To bargain effectively, an employer must have an in-depth understanding of both the conduct that could lead to a finding of bad faith bargaining and the characteristics of the collective bargaining relationship. Without that understanding, an employer takes unnecessary and significant risks of making strategic errors, sacrificing bargaining leverage, and surrendering its right to use certain economic weapons should a dispute arise.

Responding to Union Requests for Information

This SmartTask details the steps counsel should consider when engaging with a union and its requests for information (RFI) in the context of bargaining for a labor contract. In anticipation of such requests, this SmartTask familiarizes users with the general principles that have developed concerning RFIs and offers strategies to preserve and protect an employer's bargaining position.

Negotiating a Management Rights Clause

This SmartTask addresses negotiating a collective bargaining agreement's Management Rights clause. In every labor negotiation, an employer and union have bargaining priorities. One of the employer's highest priorities—often, the highest priority—is to maintain its “management rights” to operate its business. While referred to as a ‘clause,’ the Management Rights provision in a labor contract is typically a separate article, often with multiple paragraphs. This SmartTask lists the steps an associate should consider when undertaking the drafting of a Management Rights clause for use in collective bargaining with the representative of a client's employees.

Negotiating an Arbitration Clause

Negotiating an arbitration clause is negotiating a system of industrial justice. The parties can negotiate which issues can be arbitrated and which cannot; how an impartial arbitrator will be selected; how the cases will be presented to the arbitrator; and many more aspects of the process. They can choose to have a simple process or a sophisticated one. This SmartTask lists the steps an associate should take, from simple to complex, to assist a client seeking to negotiate an arbitration clause with the union representing its employees.



Michael J. Soltis is an attorney, arbitrator and adjunct professor of employment and labor law at Quinnipiac University School of Law. He represented employers in employment and labor law matters for nearly 40 years with the national law firm of Jackson Lewis P.C. He has counseled many employers on developing and implementing a collective bargaining strategy. He has negotiated more than 100 labor contracts and regularly advised employers on the administration of their labor agreements.

Contact your Wolters Kluwer Account Manager for a demonstration at **1-800-955-5217** or visit **WoltersKluwerLR.com/CollectiveBargaining** to learn more.