

About Collective Bargaining

Wednesday, September 28, 2016



Dear Colleagues,

A number of employees have expressed appreciation for the information we've provided on the potential risks of collective bargaining and have asked us for an overall description of the collective bargaining process. It is outlined below.

When a union represents a group of employees, the union and the employer engage in collective bargaining regarding the employees' wages, hours (for example, the start and end times of the workday) and other conditions of employment. "Other conditions of employment" can include the use of seniority for example, how long you have worked at UNH) in scheduling vacations and days off, getting promoted or the timing of eligibility for various benefits. But state law specifically excludes from bargaining – meaning it would not even be discussed during negotiations – matters of



KATHY NEILS

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“managerial policy,” which include the following:

The functions, programs and methods of the university (for example, what responsibilities are assigned to a particular office or department and how that work is performed)

The use of technology (for example, what equipment or software is used for a particular function)

The university’s organizational structure (for example, who reports to whom and what functions are under which division of the university)

The selection, direction and number of university personnel (for example, who is hired and how many people are assigned to a particular area or responsibility)

This means many topics that employees would like to discuss during bargaining – such as filling vacant positions – are not subject to collective bargaining. They are simply not part of the discussions.

Employees’ current wages, hours and working conditions are not necessarily the starting point for negotiating a contract. It is true that during negotiations employees’ wages, hours and other conditions of employment continue status quo until there is a ratified contract. The law does not require a particular starting point for the contract proposals. The union and the employer can make whatever proposals they want, and often do propose to change the status quo. For example, the union or the employer can propose to decrease one benefit and increase another. The union and the employer then discuss each other’s proposals across the bargaining table, decide what counterproposals they want to make, and determine if there are any proposals made by the other party with which they choose to agree. No one knows what the starting positions of each party may be and no one knows what the ending position of the parties may be. UNH

would, of course, negotiate in good faith for a collective bargaining agreement.

There is no time limit on negotiations. Negotiations for a first-time contract often take many months or sometimes a year or more.

There is no requirement that the parties will ever agree on a contract. The law only requires that the parties negotiate in good faith, which UNH does and always will do. There is no arbitrator, no government agency and no court that is authorized to tell the union or the employer what to agree to in a contract. It is always up to the parties to reach an agreement.

Unions typically propose a clause which requires employees to pay either union dues or an agency service fee (which is paid by employees who do not join the union) as a condition of continued employment, whether those employees voted in favor of unionizing or not. Employers sometimes look at negotiations as an opportunity to review wages, benefits and working conditions that have developed haphazardly over the years and to propose more consistent provisions. Unions very often propose to limit or eliminate management authority and discretion, particularly when it comes to supervisors addressing the individual needs of employees.

There are no guarantees in collective bargaining. In fact, there are only three possible outcomes in negotiations: employees can end up with more, the same or less than they had before negotiations began in each aspect of the contract.

—Kathy Neils

Chief Human Resources Officer

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