

What is Collective Bargaining?

Collective bargaining is the process by which unionized employees negotiate with their employer over mandatory subjects of bargaining, including wages, benefits like health insurance, working conditions and a grievance procedure to enforce the contract.

The Collective Bargaining Process:

1. Preparation:

Before collective bargaining can commence, there are several steps employees must take to prepare for negotiations. First, employees must elect a Bargaining Team to represent workers' interests at the bargaining table. Second, the Bargaining Teams must solicit proposals and/or concepts to effectively address the issues members have identified as the most important to them. Finally, the Bargaining Team must collect the evidence required to justify members' chosen bargaining proposals.

2. Ground Rules:

Before beginning negotiations, your union and the State generally agree to a set of ground rules to govern how the negotiations will proceed. Ground rules frequently cover topics like identifying the lead negotiators for each side, scheduling bargaining dates, when final proposals must be submitted, what information can be shared with union members prior to the ratification vote, and when statements to the broader public are permissible.

3. Direct Negotiations:

When unionized employees meet with their employer at the bargaining table, they are meeting as equals. Collective-bargaining statutes also require both parties to negotiate in good faith to reach a collective agreement. Your VSEA Bargaining Team and your employer each present various proposals, which the other side can counter, accept, or reject, but only after honest consideration of the proposal.

4. Mediation:

Ideally, direct negotiations will eventually lead to a collective-bargaining agreement that is acceptable to both parties. However, if this is not possible, either side can declare what's referred to as "impasse" and initiate a process to try to resolve differences. The

first step in the impasse procedure is mediation, where a federal or private mediator will work with both parties in hopes of facilitating an agreement to end impasse.

5. Fact Finding:

If a mediator cannot achieve a mutually agreeable solution, the parties will proceed to what is called "fact-finding." In this process, each side selects its top-priority proposals to advance to fact finding, and each presents its evidence to a third-party, known as a fact finder. The fact finder then issues a report, based on the evidence presented, and, in it, he or she will recommend solutions to address each contested proposal. After receiving the fact-finder's report, your union and employer will meet to see if the fact-finder's report can be used as the foundation to reach a settlement.

6. Arbitration:

Unlike private-sector employees, public employees do not have a right to strike. Up until the 2019 legislative session, if a fact-finder's report did not result in a mutually accepted contract agreement, the Vermont Labor Relations Board (VLRB) would choose whether to impose a binding settlement that included one of the two last-best-offers submitted by the parties or one derived directly from the fact-finder's report. But in 2019, VSEA members successfully lobbied for passage of a bill to change the negotiating process for its members in the Executive Branch and in the Office of State Attorney's. VSEA's legislation allows the union and the State to choose whether the VLRB or a mutually selected neutral arbitrator will make the final decision between a last-best-contract-offer or the fact-finders report. Once decided, the report is sent to Legislature for funding.

