COURSE SYLLABUS

Negotiating Federal Labor Agreements Course

Master the skills to prepare for and conduct federal labor agreement negotiations, including resolving disputes and applying effective bargaining strategies.

> Group classes (Live Online) and onsite training are available for this course. For more information, email onsite@graduateschool.edu or visit: https://sdfm.graduateschool.edu/courses/negotiating-federal-labor-agreements



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Course Outline

Module 1: Negotiations in General

- Define negotiation and the mutual obligation to bargain in good faith under 5 U.S.C. §7103(a)(12).
- State goals of negotiations and why a collective bargaining agreement (CBA) shapes day-to-day relations.
- Recognize the value of reaching agreement versus the costs of ULPs, mediation, and impasse procedures.

Module 2: Framework for Labor-Management Relations and Negotiations in the Federal Service

- Outline 5 U.S.C. Chapter 71 (subchapters, rights/duties, grievances, official time, negotiability, impasses).
- Explain Congressional findings and the Statute's purpose to promote effective and efficient government.
- Review key terms (union, unit, collective bargaining) and where FLRA, FSIP, and FMCS fit.

Module 3: The Role of Third Parties in Collective Bargaining Disputes

- Describe FLRA functions (representation, negotiability, ULPs, arbitration exceptions) and the General Counsel's role.
- Use FMCS mediation effectively and understand mediator tools and limits.
- Escalate to FSIP authority at impasse and understand arbitrators' role and appeal limits.

Module 4: Labor-Management Partnerships

- Trace partnership policy from EO 12871 to later changes and agency discretion.
- Identify potential partnership benefits for mission, service, and workplace climate.
- Clarify how permissive subjects and contract provisions interact with partnership structures.

Module 5: Alternative Dispute Resolution

- Define ADR methods (mediation, facilitation, fact-finding, settlement conferences).
- Compare ADR advantages (speed, flexibility, confidentiality) against when precedent/public record is needed.

Module 6: Exclusive Representation

- Explain certification, elections, accretion, and successorship in forming/maintaining bargaining units.
- Apply appropriate-unit criteria and statutory exclusions (e.g., supervisors, management officials, confidentials).

- Understand implications for management, unions, and employees (duty of fair representation, dues allotment).
- Follow do's and don'ts for management conduct during organizing campaigns.

Module 7: Statutory Rights: Employee, Union, and Management

- Distinguish union/employee rights (formal discussions, Weingarten) and management rights under §7106(a).
- Meet data-disclosure standards (particularized need) and negotiate reasonable official time.
- Apply criteria for "formal discussion" and roles during investigative interviews.

Module 8: Scope of Bargaining

- Separate prohibited subjects (management rights, law/regulation conflicts) from conditions of employment.
- Negotiate procedures and appropriate arrangements under §7106(b)(2)–(3) and elective subjects under §7106(b)(1).
- Assess compelling-need claims and use a structured checklist to avoid negotiability disputes.

Module 9: Unfair Labor Practices

- Identify common management and union ULPs and the six-month filing limit.
- Follow the ULP process (investigation, complaint, ALJ hearing, FLRA decision, court review) and available remedies.
- Prevent ULPs through timely bargaining, notice, and respect for representational rights.

Module 10: Contract Administration

- Administer and interpret the CBA; apply past practice principles and manage mid-term bargaining.
- Operate grievance procedures through arbitration and understand limits/interaction with FLRA review.
- Set up mechanisms for agreement implementation, communication, and dispute prevention.

Module 11: Basic Bargaining Concepts

- Differentiate positions vs. interests; prepare using BATNA, ZOPA, and issue framing.
- Plan proposals with negotiability, cost, and operational impact in mind.
- Organize roles, ground rules, and an information-exchange strategy.

Module 12: Models of Bargaining

- Compare traditional (positional) and interest-based bargaining (IBB) approaches.
- Select or blend models based on problem type, relationships, and mission needs.
- Structure IBB steps (issue identification, interests, options, objective criteria, agreement).

Module 13: Stages of Bargaining

- Move from pre-negotiation planning and ground rules to opening statements and data exchange.
- Draft, caucus, package, and reach tentative agreements; memorialize understandings.
- Prepare for mediation/impasse if talks stall.

Module 14: Bargaining Tactics, Techniques, and Strategies

- Use and counter anchoring, bracketing, conditional offers, and proposal packaging.
- Manage table behavior (caucuses, note-taking, messaging) and respond to counter-productive tactics.
- Sequence issues strategically and trade across the table to close gaps.

Module 15: Resolutions of Bargaining Disputes and Finalizing the Contract

- Engage FMCS mediation; escalate to FSIP procedures when required.
- Complete agency-head review, ratification, and finalize agreement text.
- Plan implementation, training, and rollout to reduce post-signing disputes.

Module 16: Traditional Negotiation Simulation

- Conduct a full-cycle mock negotiation from ground rules to tentative agreements.

- Draft article language and test bargaining tactics in a realistic scenario.
- Debrief lessons learned to improve readiness for real-world negotiations.