

MEMORANDUM

Why Unions Do Not Release Their Bargaining Proposals

Set forth below are some of the most commonly cited reasons why proposals should remain confidential to the committee or body that is responsible for negotiating them, which in NYSCOPBA's case would be the Collective Bargaining Committee.

1. Causing confusion. Viewing NYSCOPBA's proposals in isolation, without knowing why each one was developed or the problem it addresses, and with no sense of its priority, strips the proposals of their context and can create misunderstandings as to what NYSCOPBA is trying to achieve. (If the union did provide the context along with the proposals themselves, you risk tipping off the State.) Releasing the proposals may confuse the membership about the union's objectives and undermine appeals for unity and patience during the negotiations process. That concern increases if the State's proposals are also released, since some will be strategic and even political in purpose, not necessarily intended to actually be adopted. Only the Committee members, sitting at the negotiations table, will be privy to the background and context in which the State's proposals are discussed. Releasing them outside of the Committee may mislead members about their significance, causing unnecessary confusion and anxiety within the union.

2. Giving the State an unintended advantage. If the proposals are distributed to the membership, they will probably be discussed and debated on social media sites that are monitored by the State. The State will then be able to develop an opinion about how the membership views certain proposals, potentially undermining NYSCOPBA's position at the bargaining table. For example, let's say the Committee assures the State at the table "Our members will never accept this particular proposal." If the State doesn't know differently, it may be inclined to abandon its pursuit of that proposal, but if the State has a reason, based on chatter on social media, that members might accept it under certain conditions, it could change its position about whether to pursue it.

3. Creating Unrealistic Expectations. The proposals contain no ranking system or list of priorities. They are arranged by article and subject matter, not in order of importance. This is for good reason, because we don't want the State to know what our priorities are. Internally, of course, the Committee will have discussed its priorities and how it intends to achieve them. But someone outside of the Committee, unaware of those priorities, might be led to think that all proposals are of equal importance. When some of those proposals later don't show up on an MOU sent to the field, some members will feel let down because they had developed an

expectation that a certain proposal would be adopted, not knowing that it was a low priority that the Committee did not expect to successfully negotiate.

4. Divisiveness. Allowing distribution outside of the CBC tends to promote divisiveness within the union, as debates develop among the membership as to which proposals are more important than others and which ones were left out. The membership's input has already been obtained through the survey process, with the Committee working the comments into a comprehensive proposal. Releasing detailed proposals now would be likely to produce a second round of commentary and discussion about the union's priorities at a time when unity is needed as the Committee sits down with the State.

5. Most unions do not release their proposals. It is generally accepted that, for reasons including those listed in 1 through 4 above, it is counterproductive to release specific proposals while negotiations are ongoing. Few unions, especially those of NYSCOPBA's size, choose to do so. That is not to say that the union can't or shouldn't inform the membership about general topics of discussion at the table (for example: compensation; health insurance; disciplinary procedures, "soft money," location pay, etc.). Once negotiations are concluded, and a MOU has been reached or impasse declared, then it may be appropriate for the union, in explaining why it has taken that step, to discuss certain proposals in more specific terms.