



Public Management Group™
Renne Sloan Holtzman Sakai LLP

A Collaborative and Positive Approach to Labor and Management Relationships

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About the Author

Scott Kenley provides expert consulting services in the areas of labor relations and Fire Service Management. His experience includes labor relations, contract negotiations, training, and strategic and organizational planning in the delivery of fire and life safety services. He has testified as a fire management and operations expert in arbitration proceedings.

Some of Mr. Kenley's recent accomplishments include:

- Successfully negotiating collective bargaining agreements on behalf of cities, counties, and special districts with safety and non-safety bargaining units
- Developing collective bargaining strategies and objectives in collaboration with senior policy makers and elected officials
- Participation in mediation efforts resulting in the successful settlement of outstanding contract disputes
- Testifying in interest arbitration proceedings concerning fire management and operational issues
- Conducting Management Audits of Municipal Fire agencies
- Serving as Interim Fire Chief for Municipal Fire Agencies
- Developing and conducting Assessment Centers for promotional opportunities – Fire Captain, Fire Division Chief, Fire Chief
- Conducting Self-Assessment and Standards of Cover analysis of fire department operations

Prior to joining the firm, Mr. Kenley served as the Fire Chief for the cities of Brisbane and Lodi. He has more than forty years of fire service experience. He was the chair of curriculum development for the Management Series of the State Fire Marshal's certification program, including a primary contribution in the development of the State of California Fire Chief Certification process. He continues to provide fire service analysis to several fire agencies through his own consulting organization, Swk & Associates, as well as an associate of Fireforce One.

Mr. Kenley has a BA from Columbia Pacific University and a MS from the University of LaVerne.

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Building Positive Labor/Management Relationships

The fire union president of a city facing bankruptcy was quoted in the local newspaper as stating, “[C]hange is inevitable. The gravy train has derailed. Firefighters will have to pay into their retirements and their medical. Various perks must go.” The reporter concluded that “a big chasm still exists between the fire union and City Hall, one as much about perception as money.” The union president agreed, but stated that he “believes the good times will come back.”

This scene is being played out across the nation, and especially in California. As the City Manager of the city above acknowledged, “[G]overnment everywhere is undergoing a profound and lasting fiscal transformation. As the city heads, like the rest of the world, into the new normal, it is my firm belief that cities, can no longer afford to pay the benefit packages that we have been paying over the years.”

Today, fire departments find themselves under increasing public scrutiny as economic pressures remain high. Now more than ever, it is incumbent on the fire service to develop a cooperative approach to developing a positive labor/management relationship. The first step must come from management.

It is difficult to ask fire chiefs to risk giving up some of their authority to create a cooperative relationship with labor through the creation of problem solving committees. However, the status quo of not extending the olive branch to labor will result in continued strained relations between cities, districts, labor, and the citizens they serve.

An effective labor/management relationship allows management and employees to resolve disputes at the lowest possible level, without resorting to protracted and costly legislation. Developing an atmosphere of trust and respect is beneficial for both parties and enables an atmosphere of cooperation. In order for labor/management relationships to be utilized to their fullest potential, both sides must be committed to the process.

PMG Cooperative Labor/Management Approach

The consulting group of Renne Sloan Holtzman Sakai, known as the Public Management Group™ (PMG), has the resources to assist agencies in a cooperative management approach to building positive labor/management relations. PMG staff includes a retired fire chief with the fire service background and organizational knowledge to facilitate the development of a positive labor/management environment. Please review Scott Kenley’s biography on PMG’s website (www.publicmanagementgroup.com).

PMG's cooperative management approach utilizes a four-step process:

Step I – Interview labor and management representatives separately in order to gain an understanding of each group's interests and concerns.

Step II - Train all participants in the basics of creating a positive labor/management relationship.

Step III – Facilitate a joint meeting of labor and management to review the information gathered from the separate labor and management interviews.

Step IV – Create a Cooperative Labor/Management Committee with regularly scheduled meetings facilitated by a PMG representative.

The primary purpose of Step IV is to create an ongoing forum in which both sides can identify concerns that have arisen since the last meeting and develop steps to address those concerns. Committee meetings create the opportunity for the continued development of a cooperative labor/management environment.

Cooperative management's four step process can be effectuated through the implementation of the modules below.

Module I – Separate Meetings with Labor and Management – includes the following topics:

- Determining Level of Trust
- Barriers to Creating a Cooperative environment
- Opportunities for Creating a Cooperative Environment
- Validating Perceptions

Module II – Training – includes the following topics:

- Labor/Management Relations
- Roles and Responsibilities
 - Union
 - Fire Department
 - Local Government
- Labor/Management Committee Development
- Leadership Skills
 - Creating Trust
 - Productive Conflict
 - Commitment to Team
 - Accountability
 - Attention to Results

- Organizational Dynamics
- Labor/Management Best Practices
- Change Management

Module III – Joint Meeting with Labor and Management – includes the following topics:

- Identifying Strengths
- Identifying Weaknesses
- Identifying Opportunities
- Identifying Threats
- Ensuring Commitment to the Team by Both Parties

Module IV – Facilitated Committee meetings – includes the following topics:

- Identifying Issues
- Interests of the Parties
- Generating of Alternatives
- Developing Objective Criteria
- Role of Facilitator
 - Clarify goals
 - Focus participants on task
 - Protect all members from personal attack
 - Promote win/win solutions
 - Ensure consensus based on objective criteria
- Role of Committee Members
 - Actively participate in goal identification
 - Actively participate in generating alternatives
 - Actively participate in consensus-building
 - Support consensus decision once reached

Cooperative Approach to Labor/Management Relations

Broadly defined, labor/management cooperation in the public sector refers to any instance of public sector management and public employee unions working together for common goals or interests. Organizations that foster positive labor/management relations generally practice problem solving techniques rather than using the grievance process to resolve disputes.

The traditional approach to labor/management relations tends to focus on the individual rights of labor and management, with the parties attempting to erode each other's rights through their

interactions. This practice ignores all of the overlapping interests where both labor and management share responsibility. Instead, the traditional approach attempts to increase the fringes and diminish the overlap.

The cooperative approach, on the other hand, attempts to maximize the overlap and diminish the extremes. The cooperative approach requires management to be more open and to relinquish some of its power in order to facilitate cooperation. However, there needs to be a clear understanding by both parties that they are relinquishing some level of power in an effort to improve relationships. Because labor does not abandon the collective bargaining process or the grievance process, and management does not relinquish any management rights, the Cooperative Approach requires a commitment by both parties to participate in a cooperative effort to meet their mutual needs.

On issues involving a clear management right to make the decision, the process is characterized as “meet and consult.” The critical factor to success is the ability of management to convince labor that the process is truly a cooperative effort and a consensus decision should be the ultimate goal. However, if the parties are not able to reach a consensus solution, management must retain the right to make the decision that is appropriate for the organizational mission. On issues that clearly require a “meet and confer” process, use of the cooperative approach begins with a cooperative discussion in which both parties strive for a consensus solution; however, if the parties cannot reach a consensus solution, the established process for resolving their differences will be instituted.

In a cooperative approach, the key to success is the ability of both parties to commit to the cooperative process in spite of their past histories. An outside facilitator trained in addressing negative organizational paradigms can assist the organization in breaking down negative mental models and in developing strategies for neutralizing past practices that have kept the organization from moving forward. The answer is a step-by-step process that moves an organization from the traditional “us versus them” approach to a jointly shared vision of the future.

Labor/Management Cooperative Problem Solving Committees

There are several forms of labor/management committees; for example, committees on apparatus, uniform, personal protective equipment, and safety, to name a few. However, very few organizations have a committee comprised of high level management and labor representatives who are given the authority to address the administrative issues of the department. Typically, the fire chief reserves the right to make those decisions on his/her own. However, with the creation of Labor/Management Problem Solving Committees, the fire chief must relinquish some level of autonomy in an effort to build organizational relationships.

In a cooperative approach, committee recommendations should be consensus decisions to be accepted and acted upon by management. This can create a high level of anxiety for the fire chief; however, the benefits of committee decision-making far outweigh the anxiety factor. The keys to reducing the anxiety factor are preparation, procedure, staffing, and communication.

Preparation – Take the time to train committee members on the committee process. An outside facilitator can train committee members on the committee process, the concept of consensus building, roles of committee members, etc. This training can be delivered to all department members regardless of individual committee membership.

Procedure – All committee members must understand the process of consensus decision-making. There should be a structural component within the committee that identifies the committee chairperson and vice-chair. If the chair is a member of the labor group, then the vice-chair should be a member of the management group, and vice versa. It should be clearly stated whether the committee has full decision-making authority or advisory authority. The greater level of decision-making authority the committee has, the more beneficial the Labor/Management Committee process will be in developing a cooperative labor/management environment.

Be clear about the process: (1) identify a timeline for consensus; (2) require consensus, not a democratic vote; (3) clarify that if there is no consensus within the given timeline, management reserves the right to make the decision.

Identifying the Timeline – Make sure that enough time is given for adequate research, analysis, discussion, and consensus-building. However, do not leave the timeline open-ended, as this could lead to one party stalling on resolution of an important matter and will also inhibit the ability of management to ultimately make the decision. The end result is status quo.

Requiring Consensus – There are several books and seminars on consensus-building. A trained outside facilitator should be able to train committee members on the process of consensus-building. Once trained, committee ground rules should state the minimum criteria for a consensus decision. Requiring consensus reduces the anxiety factor for the fire administrator. If labor and management are able to reach consensus on a decision and the fire administrator has staffed the committee with members representing management who have an understanding of and commitment to the organization's vision and values, that decision should be one that the fire administrator can support.

Absent Consensus – The fall-back position for the fire administrator is that if the committee cannot reach a consensus, the fire administrator reserves the right to make

the decision. The fire administrator must be cautious not to create an environment where consensus is impossible and the committee process is viewed by labor as placation.

Staffing the Committee – Staffing the various committees requires that each party gets to select its team members. Management should resist the impulse to appoint labor’s representatives. The fire administrator should focus on the management members, making sure that management’s representatives understand the organization’s vision and values and are receptive to labor’s concerns. Not all chief officers will make good committee members, although some of the traditional committees in the fire service have management representation determined by their staff function. For example, the Training Officer is the chairperson of the Training Committee. In these situations, the fire administrator needs to understand the strengths and weaknesses of his/her committee members and address them through training, mentoring, and counseling.

Communicating with the Committee – The fire administrator must have an acute understanding of the value of open communication with the various committees. The committee process can be invaluable in building cooperative labor/management relationships, and it needs to be nurtured by the administration. When a committee is having problems, management may need to step in and try to relieve the roadblock. While it is important to rely on factual data from both sides rather than emotional statements, the emotions of the members cannot be totally ignored. A facilitator is trained in separating fact from fiction, reducing emotions, focusing on the interests of both parties, generating alternatives for solution, and requiring objective criteria for consensus.

Celebrate Success - The final step in creating labor/management committees is celebrating success. Take the time to focus all members on the minor successes of committee work. Do not miss the opportunity to demonstrate to both parties that the hard work and effort is worth the results. The more you celebrate small victories, the easier it is to keep moving towards the development of positive labor/management relationships.

Public Management Group™

The Public Management Group™ (PMG) of Renne, Sloan, Holtzman, Sakai LLP offers creative and cost effective solutions to public sector management challenges. Experienced human resources, labor relations, finance, and public safety professionals are available to assist employers in the following areas:

- Labor and Employee Relations
- Human Resource Management
- Financial Management
- Workplace Training
- Operations Consulting
- Investigations
- Compensation Management and Classification Studies
- Fact Finding Panel Representation

To talk about how PMG can assist your organization, please contact Mark Gregersen, Executive Director, at mgregersen@publicmanagementgroup.com or call him at 916.258.8807.



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