



EMPLOYER AND EMPLOYEE EXPERIENCE UNDER
WISCONSIN'S MEDIATION-ARBITRATION LAW

E. BARGAINING STRATEGIES

STAFF BRIEF 85-8E

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Wisconsin Legislative Council Staff

Madison, Wisconsin

Special Committee on the
Municipal Collective Bargaining Law

August 20, 1985
(Corrected October 7, 1985)

STAFF BRIEF 85-8E*

EMPLOYER AND EMPLOYEE EXPERIENCE UNDER
WISCONSIN'S MEDIATION-ARBITRATION LAW

E. BARGAINING STRATEGIES

INTRODUCTION

Staff Brief 85-8E is the fifth of a series of analyses being prepared for the Legislative Council's Special Committee on the Municipal Collective Bargaining Law, which is conducting a study of the operation of s. 111.70 (4) (cm), Stats., the municipal employment mediation-arbitration law. A major portion of this study involves the analysis of information gathered from a survey of municipal employers and bargaining representatives of municipal employees who have engaged in collective bargaining since the mediation-arbitration law became effective in 1978.

The basis for the series of analyses of the survey data is taken largely from responses to the "Questionnaire on Employer and Employee Experience with Wisconsin's Mediation-Arbitration Law." The survey data was compiled by the Wisconsin Survey Research Lab, University of Wisconsin-Extension, and analyzed by the Legislative Council Staff.

The Questionnaire was sent to both employer and employee representatives in 350 bargaining units across the state. Information was requested on their negotiations covering the contract in effect during 1983 (1982-83 for mid-year agreements), the most recent period for which complete data was available. A Questionnaire was sent to all 145 units which received an arbitration award for the contract in effect during 1983. The remaining 205 units were selected, at random, from the non-arbitrated agreements covering 1983.

*This Staff Brief was prepared by Dan Fernbach, Senior Staff Attorney, and Paul Jarley, Economic Analyst, Legislative Council Staff.

Of the 700 Questionnaires distributed, 525 were returned. After invalid responses were eliminated, 502 responses remained, yielding a net response rate of 71.7%. Of these, 46.7% (234) responses were from management representatives and 53.3% (268) were from union representatives. In 326 of the 350 units, a response was received from at least one of the two parties; thus, there was a unique case response rate of 93.1%. This response rate is high enough to permit a valid analysis of the aggregate data by employer type (school, non-school) and type of settlement (arbitrated, non-arbitrated).

Of the individuals responding to the Questionnaire, 70.7% were members of the bargaining team for the set of negotiations under study (1983). Specifically, 47.1% of the respondents indicated that they were the chief negotiator for one of the parties to the collective bargaining agreement and 23.6% reported that they were not the chief negotiator but took part in the negotiations in question. Of the remaining respondents, 28.3% said that they were not directly involved in these negotiations and 1.6% did not indicate their status.

Staff Brief 85-8E covers the specific bargaining strategies that the Questionnaire respondents reported were used by the parties during negotiations, both by employer type (school or non-school) and type of settlement (arbitrated or non-arbitrated).

Part I describes the specific bargaining strategies used by management in school and non-school negotiations.

Part II reviews the specific bargaining strategies used by unions in school and non-school negotiations.

Part III reviews other factors that may affect the bargaining strategies of the parties.

Part IV contains a summary of the major findings.

PART I

MANAGEMENT BARGAINING STRATEGIES

Questionnaire respondents were asked to identify specific bargaining strategies that were used by management to influence the outcome of negotiations on the contract in effect during 1983 (1982-83 for mid-year agreements). Each respondent was asked to identify the bargaining strategies they used, as well as the strategies used by the other side. The responses were then separated by employer type (school unit or non-school unit), and the following three analyses were performed on the data:

- a. Reporting differences between management and union respondents over the frequency of use by management of specific bargaining strategies;
- b. The most frequently used management bargaining strategies as reported by management and union respondents; and
- c. Differences in management bargaining strategies, if any, according to the type of settlement (arbitrated or non-arbitrated).

A comparative analysis of the differences, if any, in management bargaining strategies between school units and non-school units was also performed.

A. SCHOOL UNITS

Table 1 sets forth management bargaining strategies utilized in negotiations with school district employes according to the type of settlement (arbitrated or non-arbitrated) in negotiations over the contract in effect during 1983. For each of the nine specific bargaining strategies listed in the left-hand column, the Table shows the percent of union and management responses identifying that strategy as a management strategy used in negotiations that resulted in a voluntary settlement and negotiations that resulted in an arbitration award. Also shown are the estimated average percent of union and management responses for each strategy covering all school units, without regard to type of settlement.

TABLE 1
 PERCENT OF MANAGEMENT AND UNION RESPONSES IDENTIFYING MANAGEMENT
 BARGAINING STRATEGIES FOR SCHOOL UNITS, BY TYPE OF SETTLEMENT

BARGAINING STRATEGY	TYPE OF SETTLEMENT				ESTIMATED AVERAGE FOR ALL BARGAINING UNITS	
	ARBITRATED		NON-ARBITRATED			
	MANAGEMENT	UNION	MANAGEMENT	UNION	MANAGEMENT	UNION
REQUESTED WERC DECLARATORY RULING TO GAIN ADDITIONAL TIME IN NEGOTIATIONS	6.3%	14.3%	3.2%	8.3%	3.6%	9.3%
PROPOSED A SPECIFIC ALTERNATIVE TO THE STATUTORY MEDIATION-ARBITRATION PROCEDURES	6.3%	4.8%	3.2%	6.6%	3.6%	6.4%
SUBMITTED A PETITION TO WERC TO BEGIN MEDIATION-ARBITRATION PROCESS BEFORE BEGINNING SERIOUS NEGOTIATIONS, E.G., REDUCED TIME FOR PRE-PETITION BARGAINING	1.6%	4.8%	3.2%	5.0%	2.9%	15.0%
USED COMPARABILITY THROUGHOUT BARGAINING	57.8%	33.3%	68.8%	30.0%	67.0%	30.6%
HELD BACK CONCESSIONS UNTIL APPOINTMENT OF MEDIATOR-ARBITRATOR	17.2%	23.8%	18.8%	20.0%	18.5%	20.6%
PLACED GREATER EMPHASIS ON "PACKAGES" DURING BARGAINING RATHER THAN ON INDIVIDUAL BARGAINING DEMANDS OR ISSUES	65.6%	50.8%	57.8%	60.0%	55.4%	58.5%
STRUCTURED DEMANDS EARLIER TO OBTAIN FAVORABLE ARBITRATION AWARD	37.5%	11.8%	7.8%	5.0%	11.8%	6.0%
DROPPED INNOVATIVE DEMANDS DURING BARGAINING TO IMPROVE CHANCES OF WINNING DURING ARBITRATION PROCEEDINGS	42.2%	19.0%	20.3%	6.6%	22.3%	8.7%
INCLUDED ITEMS IN FINAL OFFERS THAT COULD NOT BE GAINED THROUGH NEGOTIATIONS BUT WERE NOT CRITICAL TO ARBITRATOR'S CHOICE OF PACKAGE	6.3%	9.5%	0.0%	3.3%	0.9%	4.4%
OTHER	4.6%	7.9%	7.9%	10.0%	6.9%	9.7%
[SAMPLE SIZE]	[64]	[63]	[64]	[60]	[128]	[123]

1. Reporting Differences Between Management and Union Respondents

Table 1 reveals some differences in perceptions between union and management respondents regarding the frequency with which specific bargaining strategies are utilized by management. However, examining the estimated average responses for all school units, there were statistically significant reporting differences between management and union respondents for only two of the nine enumerated bargaining strategies. ^{1/} Specifically, a greater percent of management respondents (67.0%) than union respondents (30.6%) felt that management negotiators "utilized comparability as a bargaining strategy" throughout the negotiation process. Similarly, more management respondents (22.3%) than union respondents (8.7%) felt that management negotiators had "dropped innovative demands during bargaining" to improve their chances of winning an arbitration award later in the process.

These differences in perceptions are also evident when comparing management and union responses for the non-arbitrated group. Again, more management respondents (68.8%) than union respondents (30.0%) reported that management used "comparability as a bargaining strategy throughout the bargaining process." Second, a greater percent of management respondents (20.3%) than union respondents (6.6%) indicated that management "dropped innovative demands during bargaining in order to improve their chances of winning at arbitration." Thus, in the non-arbitrated group, management respondents perceived a greater use of these strategies by management than did the union respondents.

However, regarding management strategies for the arbitrated group, an additional statistically significant difference in perceptions between management and union respondents was reported. Again, a greater percent of management respondents (57.8%) than union respondents (33.3%) reported that management negotiators "used comparability as a bargaining strategy throughout negotiations," and a higher percent of management respondents (42.2%) than union respondents (19.0%) indicated that management negotiators had "dropped innovative demands to improve their chances of winning an arbitration award." In addition, more management respondents (37.5%) than union respondents (11.8%) indicated that management negotiators "structured their demands earlier in the bargaining process" in order to obtain a favorable arbitration award at the conclusion of the process.

^{1/} The term "statistically significant difference" is used throughout the Brief to describe specific results of various survey analyses. A "statistically significant difference" occurs when a difference in the survey data is more than 95% likely to come from an actual difference in the group the researcher is generalizing about, rather than from random error. Thus, a "not statistically significant difference" occurs when this 95% confidence (actual difference) level cannot be met; i.e., that the possibility cannot be ruled out that the numbers are identical. This 95% limit is referred to as the conventional level. The reader is cautioned that a "not statistically significant difference" does not mean that one can conclude that the two numbers are identical. For example, a difference between two numbers which is only 94% likely to come from a real difference in the group generalized about would be reported as not statistically significant. However, for statistical purposes, to report that these two numbers are the same is to place greater emphasis on a 6% probability than on a 94% probability level.

2. Most Frequently Used Management Bargaining Strategies

The most frequently used management strategies identified by management respondents in school negotiations were:

- a. "Used comparability throughout bargaining" (67.0%);
- b. "Placed greater emphasis on packages during bargaining than on individual demands" (55.4%); and
- c. "Dropped innovative demands during bargaining to improve chances of winning during arbitration proceedings" (22.3%).

While there is no statistically significant difference in the percent of responses between "used comparability" and "placed greater emphasis on packages," there is a statistically significant difference in the responses between "placed greater emphasis on packages" (55.4%) and "dropped innovative demands" (22.3%). Therefore, of the three most frequently used management strategies identified by management respondents, "used comparability" and "placed greater emphasis on packages" are used more often than "dropped innovative demands."

The most frequently used management strategies identified by union respondents were:

- a. "Placed greater emphasis on packages during bargaining than individual demands" (58.5%);
- b. "Used comparability throughout bargaining" (30.6%); and
- c. "Held back concessions until the appointment of a mediator-arbitrator" (20.6%).

There is a statistically significant difference in the percent of responses between "placed greater emphasis on packages" (58.5%) and "used comparability" and "held back concessions" (30.6% and 20.6%, respectively). However, there is no statistically significant difference between "used comparability" and "held back concessions." Therefore, according to the union respondents, management appears to utilize "placed greater emphasis on packages" more often than "used comparability" or "held back concessions."

3. Arbitrated Compared to Non-Arbitrated Settlements

In analyzing the degree to which specific bargaining strategies are used by management in school negotiations, Table 1 shows that some

statistically significant differences exist in the perceptions of both management respondents and of union respondents, based on the type of settlement.

A comparison of management strategies in negotiations resulting in arbitrated and non-arbitrated settlements, as identified by management respondents, reveals three statistically significant differences. First, 37.5% of the management respondents for the arbitrated group said that management had "structured its demands earlier to obtain a favorable award"; but only 7.8% of the management respondents for the non-arbitrated group reported the use of this strategy by management.

Second, 42.2% of the management respondents for the arbitrated group reported that management "dropped innovative demands during bargaining" to improve its chances of winning an award. However, for the non-arbitrated group, only 20.3% of the management respondents reported that management used this strategy. Third, 6.3% of the management respondents for the arbitrated group reported that management "included unresolved items in its final offers that were not critical to the arbitrator's ultimate choice" in making an arbitration award. However, no management respondents for the non-arbitrated group reported the use of this strategy. Therefore, the management responses indicate that management seems to use the above three strategies more frequently in negotiations that go to arbitration than in negotiations that result in a voluntary settlement.

In contrast, a comparison of management strategies in negotiations resulting in arbitrated and non-arbitrated settlements, as identified by union respondents, results in only one statistically significant difference. In negotiations going to arbitration, 19.0% of the union respondents reported that the employer had "dropped innovative demands during bargaining to improve its chances of winning an arbitration award." However, for the non-arbitrated group, only 6.6% of the union respondents indicated that the employer used this strategy.

B. NON-SCHOOL UNITS

Table 2 sets forth management bargaining strategies utilized in negotiations with non-school employes (municipal workers) according to the type of settlement (arbitrated or non-arbitrated) in negotiations for the contract in effect during 1983. For each of the nine specific bargaining strategies listed in the left-hand column, the Table shows the percent of union and management responses identifying a particular strategy as a management strategy used in negotiations that resulted in a voluntary settlement and negotiations that resulted in an arbitration award. The estimated average percent of union and management responses for each

strategy covering all non-school units, regardless of the type of settlement, are also shown.

TABLE 2
PERCENT OF MANAGEMENT AND UNION RESPONSES IDENTIFYING MANAGEMENT BARGAINING STRATEGIES FOR NON-SCHOOL UNITS, BY TYPE OF SETTLEMENT

BARGAINING STRATEGY	TYPE OF SETTLEMENT				ESTIMATED AVERAGE FOR ALL BARGAINING UNITS	
	ARBITRATED		NON-ARBITRATED		MANAGEMENT	UNION
	MANAGEMENT	UNION	MANAGEMENT	UNION		
REQUESTED WERC DECLARATORY RULING TO GAIN ADDITIONAL TIME IN NEGOTIATIONS	0.0%	6.9%	2.1%	1.7%	1.9%	2.1%
PROPOSED A SPECIFIC ALTERNATIVE TO THE STATUTORY MEDIATION-ARBITRATION PROCEDURES	7.1%	0.0%	2.1%	0.0%	2.6%	0.0%
SUBMITTED A PETITION TO WERC TO BEGIN MEDIATION-ARBITRATION PROCESS BEFORE BEGINNING SERIOUS NEGOTIATIONS, E.G., REDUCED TIME FOR PRE-PETITION BARGAINING	10.7%	3.5%	4.2%	16.9%	4.9%	15.8%
USED COMPARABILITY THROUGHOUT BARGAINING	53.6%	31.0%	61.7%	49.2%	60.9%	47.6%
HELD BACK CONCESSIONS UNTIL APPOINTMENT OF MEDIATOR-ARBITRATOR	17.9%	34.5%	12.8%	22.0%	13.3%	23.1%
PLACED GREATER EMPHASIS ON "PACKAGES" DURING BARGAINING RATHER THAN ON INDIVIDUAL BARGAINING DEMANDS OR ISSUES	42.9%	51.7%	53.2%	54.2%	52.1%	54.0%
STRUCTURED DEMANDS EARLIER TO OBTAIN FAVORABLE ARBITRATION AWARD	7.1%	27.6%	4.2%	5.1%	4.5%	7.0%
DROPPED INNOVATIVE DEMANDS DURING BARGAINING TO IMPROVE CHANCES OF WINNING DURING ARBITRATION PROCEEDINGS	57.1%	13.8%	21.3%	15.3%	24.9%	15.1%
INCLUDED ITEMS IN FINAL OFFERS THAT COULD NOT BE GAINED THROUGH NEGOTIATIONS BUT WERE NOT CRITICAL TO ARBITRATOR'S CHOICE OF PACKAGE	3.6%	10.3%	2.1%	1.7%	2.3%	2.4%
OTHER	0.0%	6.9%	14.9%	8.5%	13.4%	8.3%
[SAMPLE SIZE]	[28]	[29]	[47]	[59]	[75]	[88]

1. Reporting Differences Between Management and Union Respondents

Table 2 shows some differences in perceptions between union and management respondents regarding the frequency that specific bargaining strategies are utilized by management.

Regarding the estimated average responses for all non-school units, there was a statistically significant reporting difference between management and union respondents for only one of the nine enumerated bargaining strategies. A greater percent of union respondents (15.8%) than management respondents (4.9%) reported that management had "submitted a petition to the Wisconsin Employment Relations Commission (WERC) to begin the mediation-arbitration process before beginning serious negotiations." With that one exception, there appears to be little disagreement between union and management respondents over the frequency with which management utilizes selected bargaining strategies.

The same single statistically significant perceptual difference exists when comparing management and union responses for the non-arbitrated group. Again, more union respondents (16.9%) than management respondents (4.2%) reported that management had "petitioned the WERC to initiate the mediation-arbitration process before beginning serious negotiations."

However, when considering management strategies for the arbitrated group, there is a statistically significant difference in perceptions between management and union respondents involving a different strategy. Specifically, a greater percent of management respondents (57.1%) than union respondents (13.8%) reported that management had "dropped innovative demands during bargaining to improve its chances of winning an arbitration award" at the conclusion of the process.

2. Most Frequently Used Management Bargaining Strategies

The most frequently used management strategies identified by management respondents in non-school negotiations were:

- a. "Used comparability throughout bargaining" (60.9%);
- b. "Placed greater emphasis on packages during bargaining than individual demands" (52.1%); and
- c. "Dropped innovative demands during bargaining to improve chances of winning during arbitration proceedings" (24.9%).

While there are no statistically significant differences in the percent of responses between "used comparability" and "placed greater emphasis on packages," there is a statistically significant difference in the responses between "placed greater emphasis on packages" (52.1%) and "dropped innovative demands" (24.9%). Therefore, of the three most frequently used management strategies identified by management respondents, "used comparability" and "placed greater emphasis on packages" are used more often than "dropped innovative demands."

The most frequently used management strategies identified by union respondents were:

- a. "Placed greater emphasis on packages during bargaining than individual demands" (54.0%);
- b. "Used comparability throughout bargaining" (47.6%); and
- c. "Held back concessions until the appointment of a mediator-arbitrator" (23.1%).

There are no statistically significant differences in the percent of responses between "placed greater emphasis on packages" and "used comparability." However, there is a statistically significant difference in the percent of responses between "used comparability" (47.6%) and "held back concessions" (23.1%). Therefore, of the three most frequently used management strategies identified by union respondents, "placed greater emphasis on packages" and "used comparability" are used more often than "held back concessions."

3. Arbitrated Compared to Non-Arbitrated Settlements

In analyzing the degree to which specific bargaining strategies are used by management, Table 2 indicates that two statistically significant differences exist in the perceptions of management and union respondents, based on the type of settlement.

A comparison of management strategies in negotiations involving arbitrated and non-arbitrated settlements, as identified by management respondents, shows that 57.1% of the management respondents for the arbitrated group reported that management "dropped innovative demands during bargaining to improve its chances of winning during arbitration proceedings." However, a much smaller percent of management respondents for the non-arbitrated group (21.3%) reported the use of this strategy.

In contrast, comparing the management bargaining strategies identified by union respondents, 27.6% of the union respondents for the

arbitrated group reported that management had "structured its demands earlier to obtain a favorable award" but only 5.1% of the union respondents for the non-arbitrated group reported that management utilized this strategy.

There are no other statistically significant differences in reported management strategies between negotiations that settled voluntarily and those that went to arbitration. However, as noted above, the perceptions of the union respondents and the management respondents differ.

C. SCHOOL UNITS COMPARED TO NON-SCHOOL UNITS

Regarding the most frequent bargaining strategies used by management, the management respondents for both school and non-school units identified the same three bargaining strategies as those most frequently utilized. Also, the management respondents in both types of units ranked the three strategies in the identical order. Specifically, "used comparability" ranked first (67.0%, school; 60.9%, non-school); "placed greater emphasis on packages" ranked second (55.4%, school; 52.1%, non-school); and "dropped innovative demands" ranked third (22.3%, school; 24.9%, non-school).

For both school and non-school units, the union respondents also identified the same three bargaining strategies as those most frequently used by management. As with the management respondents, the school and non-school union respondents ranked the three strategies identically. Specifically, "placed greater emphasis on packages" ranked first (58.5%, school; 54.0%, non-school); "used comparability" ranked second (30.6%, school; 47.6%, non-school); and "held back concessions" ranked third (20.6%, school; 23.1% non-school).

Thus, for both school and non-school units, both union and management respondents believe that the "used comparability throughout bargaining" and "placed greater emphasis on packages during bargaining" are the most commonly utilized management strategies, and there are no statistically significant differences between the two strategies. However, there are statistically significant differences between these two strategies and the third most frequent management strategy identified by management respondents ("dropped innovative demands during bargaining"), as well as the third most frequent management strategy identified by union respondents ("held back concessions until appointment of the mediator-arbitrator").

PART II

UNION BARGAINING STRATEGIES

Questionnaire respondents were asked to identify specific bargaining strategies that were used by unions to influence the outcome of negotiations on the contract in effect during 1983 (1982-83 for mid-year agreements). Each respondent was asked to identify the bargaining strategies they used, as well as the strategies used by the other side. The responses were then separated by employer type (school unit or non-school unit) and the following three analyses were performed on this data:

- a. Reporting differences between union and management respondents over the frequency of use by unions of specific bargaining strategies;
- b. The most frequently used union bargaining strategies as reported by union and management respondents; and
- c. Differences in union bargaining strategies, if any, according to the type of settlement (arbitrated or non-arbitrated).

A comparative analysis of the differences, if any, in union bargaining strategies between school units and non-school units was also performed.

A. SCHOOL UNITS

Table 3 sets forth union bargaining strategies utilized in negotiations with school districts according to the type of settlement (arbitrated or non-arbitrated) in negotiations over the contract in effect during 1983. For each of the nine specific bargaining strategies listed in the left-hand column, the Table shows the percent of union and management responses identifying a particular strategy as a union strategy used in negotiations that resulted in a voluntary settlement and negotiations that resulted in an arbitrated award. Also shown are the estimated average percent of union and management responses for each strategy covering all school units without regard to type of settlement.

TABLE 3
 PERCENT OF MANAGEMENT AND UNION RESPONSES IDENTIFYING UNION
 BARGAINING STRATEGIES FOR SCHOOL UNITS, BY TYPE OF SETTLEMENT

BARGAINING STRATEGY	TYPE OF SETTLEMENT				ESTIMATED AVERAGE FOR ALL BARGAINING UNITS	
	ARBITRATED		NON-ARBITRATED		MANAGEMENT	UNION
	MANAGEMENT	UNION	MANAGEMENT	UNION		
REQUESTED WERC DECLARATORY RULING TO GAIN ADDITIONAL TIME IN NEGOTIATIONS	3.1%	0.0%	1.6%	0.0%	1.8%	0.0%
PROPOSED A SPECIFIC ALTERNATIVE TO THE STATUTORY MEDIATION-ARBITRATION PROCEDURES	1.6%	3.2%	1.6%	3.3%	1.6%	3.3%
SUBMITTED A PETITION TO WERC TO BEGIN MEDIATION-ARBITRATION PROCESS BEFORE BEGINNING SERIOUS NEGOTIATIONS, E.G., REDUCED TIME FOR PRE-PETITION BARGAINING	57.8%	3.2%	23.4%	3.3%	28.9%	3.3%
USED COMPARABILITY THROUGHOUT BARGAINING	73.4%	74.6%	71.9%	71.7%	72.1%	71.8%
HELD BACK CONCESSIONS UNTIL APPOINTMENT OF MEDIATOR-ARBITRATOR	42.2%	4.8%	28.1%	3.3%	30.4%	3.6%
PLACED GREATER EMPHASIS ON "PACKAGES" DURING BARGAINING RATHER THAN ON INDIVIDUAL BARGAINING DEMANDS OR ISSUES	25.0%	22.2%	28.1%	28.3%	27.6%	28.7%
STRUCTURED DEMANDS EARLIER TO OBTAIN FAVORABLE ARBITRATION AWARD	34.4%	22.2%	12.5%	16.7%	16.0%	17.6%
DROPPED INNOVATIVE DEMANDS DURING BARGAINING TO IMPROVE CHANCES OF WINNING DURING ARBITRATION PROCEEDINGS	39.1%	60.3%	18.8%	6.6%	22.0%	9.2%
INCLUDED ITEMS IN FINAL OFFERS THAT COULD NOT BE GAINED THROUGH NEGOTIATIONS BUT WERE NOT CRITICAL TO ARBITRATOR'S CHOICE OF PACKAGE	29.7%	11.1%	12.5%	3.3%	15.2%	3.7%
OTHER	4.6%	0.0%	4.8%	12.2%	4.7%	10.2%
[SAMPLE SIZE]	[64]	[63]	[54]	[60]	[128]	[123]

1. Reporting Differences Between Management and Union Responses

Table 3 reveals some differences in perceptions between union and management respondents regarding the frequency with which specific bargaining strategies are utilized by unions. Examining the estimated average responses for all school units, there were statistically significant reporting differences between management and union respondents for four of the nine enumerated bargaining strategies. Specifically, a greater percent of management respondents (28.9%) than union respondents (3.3%) reported that the union "petitioned the WERC to initiate the mediation-arbitration process before beginning serious negotiations." Also, more management respondents (30.4%) than union respondents (3.6%) indicated that the union "held back concessions until the mediator-arbitrator was appointed." More management respondents (22.0%) than union respondents (9.2%) reported that the union had "dropped innovative demands during bargaining to improve its chances of winning during arbitration proceedings"; and a higher percent of management respondents (15.2%) than union respondents (3.7%) said that the union "included unresolved items in its final offers that were not critical to the arbitrator's ultimate decision." Thus, the management respondents perceived a greater use of all these strategies by union negotiators during school unit negotiations than did the union respondents.

These reporting differences for the above four bargaining strategies are also evident when comparing the union and management responses for negotiations resulting in both arbitrated and non-arbitrated settlements. With one exception, the management respondents again perceived a greater use by unions of the above four bargaining strategies than did the union respondents. The exception involves the arbitrated group, where 60.3% of the union respondents, but only 39.1% of the management respondents, reported that union negotiators had "dropped innovative demands during bargaining to improve their chances of winning an arbitration award."

2. Most Frequently Used Union Bargaining Strategies

The most frequently used union strategies identified by union respondents in school negotiations were:

- a. "Used comparability throughout bargaining" (71.8%);
- b. "Placed greater emphasis on packages during bargaining than individual demands" (28.7%); and
- c. "Structured demands earlier to obtain a favorable arbitration award" (17.6%).

There is a statistically significant difference in the percent of responses between each of the above-listed strategies. Therefore, according to the union respondents, in school unit negotiations, union negotiators used "used comparability" more often than "placed greater emphasis on packages" which, in turn, was used more often than "structured demands earlier."

The most frequently used union strategies identified by management respondents were:

- a. "Used comparability throughout bargaining" (72.1%);
- b. "Held back concessions until the appointment of a mediator-arbitrator" (30.4%);
- c. "Submitted a petition to the WERC to initiate the mediation-arbitration process before beginning serious negotiations" (28.9%);
- d. "Placed greater emphasis on packages during bargaining rather than individual demands" (27.6%); and
- e. "Dropped innovative demands during bargaining to improve chances of winning an arbitration award" (22.0%).

There is a statistically significant difference in the percent of responses between "used comparability" (72.1%) and "held back concessions" (30.4%). However, the differences in the percent of responses between "held back concessions" and the three remaining strategies are not statistically significant. Therefore, according to the management respondents, "used comparability" is used more by union negotiators than any of the other bargaining strategies listed above.

3. Arbitrated Compared to Non-Arbitrated Settlements

In determining the degree to which specific bargaining strategies are used in school negotiations by union negotiators, Table 3 reveals that some statistically significant differences exist in the perceptions of both management and union respondents, based on the type of settlement.

A comparison of union strategies in negotiations involving arbitrated and non-arbitrated settlements, as identified by union respondents, shows only one statistically significant difference. Specifically, 60.3% of the union respondents for the arbitrated group reported that the union had "dropped innovative demands during bargaining to improve its chances of winning during arbitration proceedings." However, only 6.6% of the union

respondents for the non-arbitrated group reported the use of this strategy.

In contrast, a comparison of union strategies, as identified by management respondents, results in several differences that are statistically significant. First, 57.8% of the management respondents for the arbitrated group reported that the union had "petitioned the WERC for mediation-arbitration before beginning serious negotiations." However, only 23.4% of the management respondents for the non-arbitrated group reported that the union had used this strategy. Second, 34.4% of the management respondents for the arbitrated group indicated that the union "structured its demands earlier to obtain favorable arbitration award"; but the percent of management respondents for the non-arbitrated group reporting the union's use of this strategy was 12.5%.

Third, 39.1% of the management respondents for the arbitrated group reported that the union had "dropped innovative demands during bargaining." However, only 18.8% of the management respondents for the non-arbitrated group reported the use of this strategy by unions. Fourth, 29.7% of the management respondents for the arbitrated group said that the union "included items in final offers that could not be gained through negotiations, but were not critical to the arbitrator's final choice of a package." However, only 12.5% of the management respondents for the non-arbitrated group reported that the union had used this strategy.

According to the perceptions of the management respondents, union negotiators utilized the above bargaining strategies more in negotiations that go to binding arbitration than in negotiations that result in a voluntary settlement. Different perceptions, however, were held by the union respondents.

B. NON-SCHOOL UNITS

Table 4 sets forth union bargaining strategies utilized in negotiations with non-school employes (municipal employes) according to the type of settlement (arbitrated or non-arbitrated) in negotiations for the contract in effect during 1983. For each of the nine specific bargaining strategies listed in the left-hand column, the Table shows the percent of union and management responses identifying a particular strategy as a union strategy used in negotiations that resulted in a voluntary settlement and negotiations that resulted in an arbitration award. The estimated average percent of union and management responses for each strategy covering all non-school units, regardless of the type of settlement, are also shown.

TABLE 4
 PERCENT OF MANAGEMENT AND UNION RESPONSES IDENTIFYING UNION
 BARGAINING STRATEGIES FOR NON-SCHOOL UNITS, BY TYPE OF SETTLEMENT

BARGAINING STRATEGY	TYPE OF SETTLEMENT				ESTIMATED AVERAGE FOR ALL BARGAINING UNITS	
	ARBITRATED		NON-ARBITRATED		MANAGEMENT	UNION
	MANAGEMENT	UNION	MANAGEMENT	UNION		
REQUESTED MERC DECLARATORY RULING TO GAIN ADDITIONAL TIME IN NEGOTIATIONS	3.6%	3.5%	0.0%	0.0%	0.4%	0.3%
PROPOSED A SPECIFIC ALTERNATIVE TO THE STATUTORY MEDIATION-ARBITRATION PROCEDURES	0.0%	3.5%	0.0%	0.0%	0.0%	0.3%
SUBMITTED A PETITION TO MERC TO BEGIN MEDIATION-ARBITRATION PROCESS BEFORE BEGINNING SERIOUS NEGOTIATIONS, E.G., REDUCED TIME FOR PRE-PETITION BARGAINING	50.0%	3.5%	14.9%	3.4%	18.4%	3.4%
USED COMPARABILITY THROUGHOUT BARGAINING	50.0%	65.5%	38.3%	72.9%	39.5%	72.3%
HELD BACK CONCESSIONS UNTIL APPOINTMENT OF MEDIATOR-ARBITRATOR	27.3%	13.8%	23.4%	6.8%	23.8%	7.4%
PLACED GREATER EMPHASIS ON "PACKAGES" DURING BARGAINING RATHER THAN ON INDIVIDUAL BARGAINING DEMANDS OR ISSUES	14.3%	20.7%	30.0%	44.1%	28.2%	42.1%
STRUCTURED DEMANDS EARLIER TO OBTAIN FAVORABLE ARBITRATION AWARD	10.7%	55.2%	4.2%	16.9%	4.9%	20.2%
DROPPED INNOVATIVE DEMANDS DURING BARGAINING TO IMPROVE CHANCES OF WINNING DURING ARSITRATION PROCEEDINGS	42.9%	41.4%	10.6%	27.1%	13.9%	28.3%
INCLUDED ITEMS IN FINAL OFFERS THAT COULD NOT BE GAINED THROUGH NEGOTIATIONS BUT WERE NOT CRITICAL TO ARBITRATOR'S CHOICE OF PACKAGE	17.9%	10.3%	10.6%	3.4%	11.4%	3.9%
OTHER	3.6%	6.9%	10.6%	3.4%	9.9%	3.7%
[SAMPLE SIZE]	[28]	[29]	[47]	[59]	[75]	[88]

1. Reporting Differences Between Management and Union Respondents

Table 4 shows a number of differences in perceptions between management and union respondents regarding the frequency that specific bargaining strategies are utilized by unions.

Regarding the estimated average responses for all non-school units, there were statistically significant reporting differences between management and union responses for six of the nine enumerated bargaining strategies. For three of these strategies, the union respondents reported a higher level of use by unions than did the management respondents; and, for the other three strategies, the management respondents reported a higher level of use by unions than did the union respondents.

Specifically, a greater percent of management respondents (18.4%) than union respondents (3.4%) reported that the union had "submitted a petition to WERC to initiate the mediation-arbitration process before beginning in serious negotiations." Also, more management respondents (23.8%) than union respondents (7.4%) indicated that the union "held back concessions until a mediator-arbitrator was appointed"; and a greater percent of management respondents (11.4%) than union respondents (3.9%) reported that the union "included items in final offers that could not be gained through negotiations, but were not critical to the arbitrator's entire package award."

On the other hand, more union respondents (72.3%) than management respondents (39.5%) reported that the union "used comparability throughout bargaining"; and a greater percent of union respondents (20.2%) than management respondents (4.9%) stated that the union "structured demands earlier to obtain a favorable arbitration award." Finally, a higher level of union respondents (28.3%) than management respondents (13.9%) reported that union negotiators had "dropped innovative demands during bargaining to improve the union's chances of winning during arbitration proceedings."

Therefore, in non-school negotiations, there is considerable disagreement in reporting between the union and management respondents regarding the extent that union negotiators have utilized specific bargaining strategies. This contrasts sharply with the responses on management bargaining strategies in non-school negotiations (reported in Part I, B) where there was minimal disagreement over the frequency that management had used the same strategies.

A comparison of union and management responses for negotiations resulting in arbitrated and non-arbitrated settlements also reveals considerable statistically significant differences in reporting.

Regarding negotiations that resulted in an arbitration award, 50.0% of the management respondents, but only 3.5% of the union respondents, reported that the union had "petitioned the WERC for mediation-arbitration before beginning serious negotiations." Also, 55.2% of the union respondents, but only 10.7% of the management respondents, reported that the union "structured its demands earlier to obtain a favorable award."

The number of reporting differences between the union and management respondents were greater with regard to negotiations that resulted in a non-arbitrated settlement. A higher percent of management respondents (14.9%) than union respondents (3.4%) perceived that the union had "submitted a petition to WERC to begin the mediation-arbitration process before beginning serious negotiations"; and more management respondents (23.4%) than union respondents (6.8%) reported that the union "held back concessions until the appointment of mediator-arbitrator."

However, a greater percent of union respondents (72.9%) than management respondents (38.3%) indicated that the union "used comparability throughout bargaining." Similarly, more union respondents (16.9%) than management respondents (4.2%) reported that the union "structured its demands earlier to obtain favorable arbitration award." Finally, a larger percent of union respondents (27.1%) than management respondents (10.6%) indicated that union negotiators "dropped innovative demands during bargaining to improve the union's chances of winning during arbitration proceedings."

2. Most Frequently Used Union Bargaining Strategies

In non-school negotiations, the most frequently used union strategies identified by union respondents were:

- a. "Used comparability throughout bargaining" (72.3%);
- b. "Placed greater emphasis on packages during bargaining rather than individual demands" (42.1%);
- c. "Dropped innovative demands during bargaining to improve chances of winning during arbitration proceedings" (28.3%); and
- d. "Structured demands earlier to obtain a favorable arbitration award" (20.2%).

There are statistically significant differences in the percent of responses between "used comparability" (72.3%) and "placed greater emphasis on packages" (42.1%), and between "placed greater emphasis on packages" and "dropped innovative demands" (28.3%); but the difference in

the percent of responses between "dropped innovative demands" and "structured demands earlier" (20.2%) is not statistically significant.

In contrast, the most frequently used union strategies identified by management respondents were:

- a. "Used comparability throughout bargaining" (39.5%);
- b. "Placed greater emphasis on packages during bargaining rather than individual demands" (28.2%); and
- c. "Held back concessions until the appointment of a mediator-arbitrator" (23.8%).

There are no statistically significant differences between the most frequently used union strategies identified by the management respondents.

3. Arbitrated Compared to Non-Arbitrated Settlements

Regarding the use of specific bargaining strategies in non-school negotiations by union negotiators, Table 4 shows that several statistically significant differences exist in the perceptions of union and management respondents, based on the type of settlement.

A comparison of union strategies in negotiations involving both arbitrated and non-arbitrated settlements, as identified by union respondents, reveals two statistically significant differences. First, 20.7% of the union respondents for the arbitrated group reported that the union "placed greater emphasis on packages during bargaining rather than individual bargaining demands," but the percent of union respondents for the non-arbitrated group reporting this strategy increased to 44.1%. Second, 55.2% of the union respondents for the arbitrated group reported that the union had "structured its demands earlier" to obtain a favorable arbitration award. However, only 16.9% of the union respondents for the non-arbitrated group reported that the union had used this strategy.

In contrast, a comparison of union strategies, as identified by management respondents, also reveals two statistically significant differences between negotiations resulting in arbitrated settlements and those resulting in non-arbitrated settlements.

First, 50.0% of the management respondents for the arbitrated group reported that the union "submitted a petition to WERC to begin mediation-arbitration process before beginning serious negotiations." However, the percent of management respondents for the non-arbitrated group reporting that the union used this strategy dropped to 14.9%.

Second, 42.9% of the management respondents for the arbitrated group indicated that the union "dropped innovative demands during bargaining to improve its chances of winning during arbitration proceedings." However, only 10.6% of the management respondents for the non-arbitrated group reported that the union used this strategy.

C. SCHOOL UNITS COMPARED TO NON-SCHOOL UNITS

Regarding the most frequent bargaining strategies used by unions, the union respondents for both school and non-school units identified the "used comparability throughout bargaining" (71.8%, school; 72.3%, non-school) and a "placed greater emphasis on bargaining packages rather than individual demands" (28.7%, school; 42.1%, non-school) as the two most frequently used union bargaining strategies.

In school negotiations, union respondents identified "the structuring of demands earlier to obtain a favorable arbitration award" (17.6%) as the third strategy most frequently used by unions. However, in non-school negotiations, union respondents reported that the third most frequently used union strategy was "dropped innovative demands during bargaining" (28.3%).

Management respondents for both school and non-school units also identified the "used comparability throughout bargaining" (72.1%, school; 39.5%, non-school) as the most frequently used union bargaining strategy.

In school negotiations, "held back concessions until the appointment of a mediator-arbitrator" (30.4%) and "submitted a petition to WERC to begin mediation-arbitration process before beginning serious negotiations" (28.9%) were identified by management respondents as the second and third most frequently used union bargaining strategies. However, in non-school negotiations, management respondents identified "placed greater emphasis on packages rather than individual demands" (28.2%) as the second most frequently used union strategy, with "held back concessions until the appointment of a mediator-arbitrator" (23.8%) identified as the third most frequently used strategy.

PART III

OTHER FACTORS AFFECTING BARGAINING STRATEGIES

In addition to identifying specific bargaining strategies used by union and management negotiators during negotiations on the contract in effect during 1983 (1982-83 for mid-year agreements), the Questionnaire respondents were asked:

a. Whether any alternatives to the statutory mediation-arbitration procedures had been used in negotiations between 1980 and 1984;

b. Whether one or both parties offered to withdraw, or actually did withdraw, final offers during negotiations on the contract in effect during 1983; and

c. To describe the impact, if any, of the arbitration award covering the contract in effect during 1983, on the parties' willingness to settle during the next round of bargaining.

These factors can play an important role in the development of the bargaining strategies of the parties. For example, if parties agree in advance to allow the union to strike rather than submit to binding arbitration, several of the previously-discussed bargaining strategies, which anticipate binding arbitration as the final impasse resolution procedure, no longer apply. Also, if an arbitration award resolving negotiations on a particular contract makes one or both of the parties less willing to settle during negotiations on the next contract, their subsequent bargaining strategies may differ from those used in the previous bargaining round.

A. USE OF ALTERNATIVE PROCEDURES

The mediation-arbitration law authorizes parties to agree in advance to use different impasse resolution procedures than the statutory procedures set forth in the law [see s. 111.70 (4) (cm) 5, Stats.]. However, as shown in Table 5, Questionnaire respondents reported very little use of alternative procedures from 1980 to 1984.

TABLE 5
 PERCENT OF MANAGEMENT AND UNION RESPONSES INDICATING THE USE OF ALTERNATIVE
 PROCEDURES FROM 1980 TO 1984, BY EMPLOYER TYPE AND TYPE OF SETTLEMENT

EMPLOYER TYPE	TYPE OF SETTLEMENT				ESTIMATED AVERAGE FOR ALL BARGAINING UNITS	
	ARBITRATED		NON-ARBITRATED		MANAGEMENT	UNION
<u>SCHOOLS</u>						
PERCENT RESPONDING "YES" [SAMPLE SIZE]	1.5% [66]	4.5% [67]	7.4% [68]	4.5% [66]	6.5% [134]	4.5% [133]
<u>NON-SCHOOLS</u>						
PERCENT RESPONDING "YES" [SAMPLE SIZE]	0.0% [27]	3.7% [28]	1.9% [52]	1.5% [66]	0.3% [79]	1.7% [94]
<u>TOTAL</u>						
PERCENT RESPONDING "YES" [SAMPLE SIZE]	1.1% [93]	4.3% [95]	5.0% [120]	2.5% [132]	4.2% [213]	3.3% [227]

The only statistically significant reporting difference between union and management respondents involves school negotiations resulting in a non-arbitrated settlement where 7.4% of the management respondents, but only 4.5% of the union respondents, reported the use of alternative procedures.

Also, comparing school and non-school negotiations, there is a statistically significant difference in the management responses for the non-arbitrated group. Specifically, 7.4% of the management respondents reported the use of alternative procedures in school negotiations, but only 1.9% of the management respondents reported the use of alternative procedures in non-school negotiations.

Only four of the Questionnaire respondents identified the specific alternatives that were used by the parties during negotiations. Two respondents reported that the parties agreed in advance to utilize a specific person as mediator-arbitrator, thereby waiving the mediator-arbitrator selection process. Another respondent reported that the parties had agreed to waive mediation by the appointed mediator-arbitrator; and one respondent reported that the parties agreed to require the mediator-arbitrator to emphasize certain local impacts as criteria in choosing between the final offers.

B. WITHDRAWAL OF FINAL OFFERS

If mediation by the mediator-arbitrator fails to achieve a voluntary settlement, the mediation-arbitration law permits either party to withdraw its final offer. If both parties withdraw their final offers, the union may engage in a strike after giving 10 days' advance notice. Otherwise, the dispute will proceed to final and binding arbitration.

Table 6 summarizes the Questionnaire responses, by employer type and type of settlement, on the degree to which the parties were willing to withdraw, or actually did withdraw, their final offers in negotiations on the contract in effect in 1983. The Table shows that, in the great majority of negotiations, neither party offered to withdraw its final offer.

TABLE 6

PERCENT OF MANAGEMENT AND UNION RESPONSES INDICATING WITHDRAWAL OF FINAL OFFER, BY EMPLOYER TYPE AND TYPE OF SETTLEMENT

EMPLOYER TYPE	TYPE OF SETTLEMENT				ESTIMATED AVERAGE FOR ALL BARGAINING UNITS	
	ARBITRATED		NON-ARBITRATED		MANAGEMENT	UNION
<u>SCHOOLS</u>						
NEITHER PARTY OFFERED TO WITHDRAW FINAL OFFER	98.6%	98.6%	80.0%	100.0%	85.6%	99.5%
MANAGEMENT WAS WILLING TO WITHDRAW FINAL OFFER	1.4%	1.4%	10.0%	0.0%	7.4%	0.5%
BARGAINING UNIT WAS WILLING TO WITHDRAW FINAL OFFER	0.0%	0.0%	3.4%	0.0%	2.3%	0.0%
BOTH PARTIES WITHDREW FINAL OFFER	0.0%	0.0%	6.6%	0.0%	4.7%	0.0%
TOTAL [SAMPLE SIZE]	100.0% [69]	100.0% [73]	100.0% [30]	100.0% [21]	100.0% [99]	100.0% [94]
EMPLOYER TYPE	TYPE OF SETTLEMENT				ESTIMATED AVERAGE FOR ALL BARGAINING UNITS	
	ARBITRATED		NON-ARBITRATED		MANAGEMENT	UNION
<u>NON-SCHOOLS</u>						
NEITHER PARTY OFFERED TO WITHDRAW FINAL OFFER	96.3%	100.0%	85.7% 8	94.4%	87.8%	95.8%
MANAGEMENT WAS WILLING TO WITHDRAW FINAL OFFER	3.7%	0.0%	0.0%	0.0%	0.7%	0.0%
BARGAINING UNIT WAS WILLING TO WITHDRAW FINAL OFFER	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
BOTH PARTIES WITHDREW FINAL OFFER	0.0%	0.0%	14.3%	5.6%	11.5%	4.2%
TOTAL [SAMPLE SIZE]	100.0% [27]	100.0% [30]	100.0% [21]	100.0% [18]	100.0% [48]	100.0% [48]

Regarding reporting differences between management and union respondents, there were several statistically significant differences in reporting for school units, but not for non-school units. First, while 99.5% of all union respondents for school units reported that "neither party offered to withdraw final offer," this perception was shared by a lesser percent of management respondents (85.6%). Second, 7.4% of the management respondents, but only 0.5% of the union respondents, reported that the "management was willing to withdraw final offer"; and 4.7% of the management respondents, but no union respondents, indicated that "both parties withdrew final offers."

Comparing school units and non-school units, the only statistically significant difference involves the union responses where 4.2% of the union respondents in non-school negotiations, but none of the union respondents in school negotiations, reported that "both parties withdrew final offers."

Finally, some statistically significant differences appear when comparing the management responses for arbitrated and non-arbitrated school negotiations. First, 98.6% of the management respondents for the arbitrated group reported that "neither party offered to withdraw final offer," but a lesser percent of management respondents (80.0%) gave the same response for the non-arbitrated group. Second, 10.0% of the management respondents for the non-arbitrated group, but only 1.4% of the management respondents for the arbitrated group, reported that "management was willing to withdraw final offer"; and 6.6% of the management respondents for the non-arbitrated group, but no management respondents for the arbitrated group, indicated that "both parties withdrew final offers."

Although parties rarely offer to withdraw their final offers after mediation by the mediator-arbitrator, the management respondents reported a higher incidence of use of this procedure than the union respondents. Also, the respondents reported a higher incidence of use in negotiations that resulted in non-arbitrated, rather than arbitrated, settlements.

C. IMPACT OF ARBITRATION AWARD ON NEXT BARGAINING ROUND

For negotiations on the contract in effect during 1983 which resulted in an arbitration award, Table 7 presents the perceptions of the Questionnaire respondents on how the award affected the parties' willingness to settle during the next round of negotiations.

TABLE 7

PERCENT OF MANAGEMENT AND UNION RESPONSES DESCRIBING THE IMPACT OF ARBITRATION AWARD ON THE PARTIES' WILLINGNESS TO SETTLE IN THE NEXT BARGAINING ROUND, BY EMPLOYER TYPE

SCHOOLS	MANAGEMENT	UNION
	PERCENT RESPONDING	PERCENT RESPONDING
THE LOSER WAS MORE WILLING TO SETTLE THAN THE WINNER	10.3%	9.3%
THE WINNER WAS MORE WILLING TO SETTLE THAN THE LOSER	7.4%	12.0%
BOTH PARTIES WERE MORE WILLING TO SETTLE	35.3%	50.7%
BOTH PARTIES WERE LESS WILLING TO SETTLE	8.8%	4.0%
NO DISCERNABLE IMPACT ON PARTIES' WILLINGNESS TO SETTLE	25.0%	21.3%
DO NOT KNOW	13.2%	2.7%
TOTAL [SAMPLE SIZE]	100.0% [68]	100.0% [75]
NON-SCHOOLS	MANAGEMENT	UNION
	PERCENT RESPONDING	PERCENT RESPONDING
THE LOSER WAS MORE WILLING TO SETTLE THAN THE WINNER	7.1%	24.1%
THE WINNER WAS MORE WILLING TO SETTLE THAN THE LOSER	14.3%	6.9%
BOTH PARTIES WERE MORE WILLING TO SETTLE	7.1%	27.6%
BOTH PARTIES WERE LESS WILLING TO SETTLE	14.3%	0.0%
NO DISCERNABLE IMPACT ON PARTIES' WILLINGNESS TO SETTLE	53.6%	37.9%
DO NOT KNOW	3.6%	3.5%
TOTAL [SAMPLE SIZE]	100.0% [28]	100.0% [29]

The only statistically significant reporting differences between the union and management respondents involved non-school negotiations, where 27.6% of the union respondents, but only 7.1% of the management respondents, reported that "both parties were more willing to settle" during the next round of bargaining. Also, none of the union respondents, compared to 14.3% of management respondents, indicated that "both parties were less willing to settle" during the next round of bargaining.

Comparing school negotiations to non-school negotiations, the union responses show no statistically significant differences. However, 35.3% of the management respondents in school negotiations, but only 7.1% of the management respondents in non-school negotiations, reported that "both parties were more willing to settle." Also, for school negotiations, 25.0% of the management respondents reported "no discernible impact on the parties' willingness to settle"; but the percent of management respondents for non-school negotiations that reported no discernible impact was to 53.6%.

For school negotiations, the largest percent of management and union respondents (35.3%, management; 50.7%, union) reported that the arbitration award made "both parties were more willing to settle" during the next round of negotiations. The next largest percent (25.0%, management; 21.3%, union) indicated that there was "no discernible impact on the parties' willingness to settle." For the union respondents only, the percent difference between the two responses is statistically significant.

For non-school negotiations, 37.9% of the union respondents reported "no discernible impact" of an arbitration award on the parties' willingness to settle, and 27.6% indicated that "both parties were more willing to settle." A majority of the management respondents (53.6%) perceived "no discernible impact on the parties' willingness to settle." Management respondents also reported that "both parties were less willing to settle" (14.3%) and that "the winner was more willing to settle than the loser" (14.3%).

Therefore, Table 7 shows that, while both union and management perceptions regarding school negotiations are quite similar, they are somewhat different for non-school negotiations. Also, both the union and management respondents report considerably less discernible impact on the parties' willingness to settle in non-school negotiations than school negotiations.

PART IV

SUMMARY OF MAJOR FINDINGS

This Part summarizes the major findings from the survey data discussed in this Brief.

1. The most frequently used management strategies in school negotiations, as reported by management respondents, were: (a) "used comparability throughout bargaining" (67.0%); (b) "placed greater emphasis on packages during bargaining than individual demands" (55.4%); and (c) "dropped innovative demands during bargaining to improve chances of winning during arbitration proceedings" (22.3%).

The most frequently used management strategies in school negotiations, as reported by union respondents, were: (a) "placed greater emphasis on packages during bargaining than individual demands" (58.5%); (b) "used comparability throughout bargaining" (30.6%); and (c) "held back concessions until the appointment of a mediator-arbitrator" (20.6%).

2. The most frequently used management strategies in non-school negotiations, as reported by management respondents, were: (a) "used comparability throughout bargaining" (60.9%); (b) "placed greater emphasis on packages during bargaining than individual demands" (52.1%); and (c) "dropped innovative demands during bargaining to improve chances of winning during arbitration proceedings" (24.9%).

The most frequently used management strategies in non-school negotiations, as reported by union respondents, were: (a) "placed greater emphasis on packages during bargaining than individual demands" (54.0%); (b) "used comparability throughout bargaining" (47.6%); and (c) "held back concessions until the appointment of a mediator-arbitrator" (23.1%).

3. The most frequently used union strategies in school negotiations, as reported by management respondents, were: (a) "used comparability throughout bargaining" (72.1%); (b) "held back concessions until the appointment of a mediator-arbitrator" (30.4%); (c) "submitted a petition to the WERC to begin the mediation-arbitration process before beginning serious negotiations" (28.9%); (d) "placed greater emphasis on packages during bargaining rather than individual demands" (27.6%); and (e) "dropped innovative demands during bargaining to improve chances of winning during arbitration proceedings" (22.0%).

The most frequently used union strategies in school negotiations, as reported by union respondents, were: (a) "used comparability throughout bargaining" (71.8%); (b) "placed greater emphasis on packages during

bargaining than individual demands" (28.7%); and (c) "structured demands earlier to obtain a favorable arbitration award" (17.6%).

4. The most frequently used union strategies in non-school negotiations, as reported by management respondents, were: (a) "used comparability throughout bargaining" (39.5%); (b) "placed greater emphasis on packages during bargaining rather than individual demands" (28.2%); and (c) "held back concessions until the appointment of a mediator-arbitrator" (23.8%).

The most frequently used union strategies in non-school negotiations, as reported by union respondents, were: (a) "used comparability throughout bargaining" (72.3%); (b) "placed greater emphasis on packages during bargaining rather than individual demands" (42.1%); (c) "dropped innovative demands during bargaining to improve chances of winning during arbitration proceedings" (28.3%); and (d) "structured demands earlier to obtain a favorable arbitration award" (20.2%).

5. Between 1980 and 1984, union and management respondents reported very little use of agreed upon alternatives to the statutory mediation-arbitration procedures. Of the few alternatives that have been used, the most common involved agreements between the parties to use a specified mediator-arbitrator, thereby waiving the mediator-arbitrator selection process.

6. According to the Questionnaire respondents, parties have rarely offered to withdraw their final offers following unsuccessful mediation by the mediator-arbitrator. Management respondents reported a higher incidence of use of this procedure than the union respondents; and the union and management respondents reported greater use in negotiations resulting in voluntary, rather than arbitrated, settlements.

7. Regarding the impact of an arbitration award on the next bargaining round, a majority of management and union respondents reported that: (a) the award had "no discernible impact on the parties' willingness to settle"; or (b) the award made "both parties more willing to settle." Union and management respondents also reported that there was less discernible impact on the parties' willingness to settle in non-school negotiations than school negotiations.

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