

## V. Establishing the Bargaining Relationship

### A. **Establishing the Bargaining Relationship**

- Assuming the existence of a legal provision for collective negotiations, the process of establishing a bargaining relationship is straightforward, although fraught with the opportunity for disputes.
- The mere fact that most members of a police department belong to a single organization does not mean that it automatically has the right to represent its members for the purpose of collective bargaining.
- Those eligible to be represented may, in fact, select an organization to which they already belong for this purpose, or they may select another one. This choice must be made, however, in ways that conform to the legislation providing the collective bargaining if the employee organization hopes to gain certification by the Public Employment Relations Commission (PERC).
- The union begins an organizing drive, working to get the 30 percent of the votes for each group of employees it seeks to represent to sign authorization cards. The union seeking to represent a class of employees must get 50 percent of the votes in the class, plus one more to win selection as the bargaining agent.

### B. **The Opportunity for Conflict**

- In establishing the bargaining relationship, there is ample opportunity for disputes to develop. Management may undertake a campaign to convince officers they are better off without the union at the same time that the union is mounting its organizing drive.
- The employee organization may wish access to bulletin boards, meeting space, and mailing lists to publicize the advantages of unionizing to the officers, all of which management may not wish to provide.
- The most common method of unit determination, however, is for the PERC or a similar administrative body to make decisions on a case-by-case basis, applying certain criteria stipulated in the legislation.
- Among the criteria often identified are the desires of the employees, the “community of interests” shared by the employees, the need to avoid creating too many bargaining units, the effects on efficiency of operations, and the history of labor relations in the police department.

## VI. Negotiations

### A. **Selection of the Management and Union Teams**

- The union’s chief negotiator will usually not be a member of the bargaining unit; rather, he or she will be a specialist brought in to represent it. It is not automatic that the union president will be a member of the bargaining team, although customarily a union officer is, and often it is the president.
- Accompanying the union’s chief negotiator and president will be two or three team members who have conducted in-depth research on matters relating to the bargaining issues and who will have various types of data, facts, and documents—such as wage and benefit surveys, trends in the consumer price index, and copies of recent contracts for similarly sized jurisdictions—with them.