

**Higher Ed
Edition**



Building Full Capacity Locals

Crisis Planning

It's Never Too Early to Start!

MEA

Michigan Education Association

***“When written in Chinese, the word ‘crisis’ is composed of two characters—
one represents dangers, and the other represents opportunity.”***

— John Fitzgerald Kennedy

***“The single most powerful tool for winning a negotiation is the ability to
get up and walk away from the table without a deal.”***

— author unknown

This booklet is a compendium of publications and materials resulting from the efforts and talents of many current and past MEA headquarters and field staff members and local leaders—too numerous to name, but not too numerous to thank.

Dear Local Leader,

Advocacy in bargaining is one of the core services for which our members pay. Full capacity locals have a long-range plan in place that includes goals and strategies for successful bargaining as well as a crisis “campaign” plan. The worst time to plan for a crisis is when you are in the middle of one, so **crisis planning should commence at the same time that planning for actual bargaining begins.**

Many times, locals avoid crisis preparation out of fear that such activity will raise the anxiety level of members and send a negative message to the community—for many the word “crisis” has become synonymous with “strike.” However, experienced bargainers know that it takes more than clever bargaining to obtain the best settlement. It takes the implementation of a crisis campaign carried out by members of a local in support of the bargaining team.

A well-planned crisis campaign not only will support the efforts of the bargaining team—it will also energize and motivate members to act in an organized, constructive and collective manner to work toward a positive settlement.

This booklet covers the nuts and bolts of developing a crisis campaign plan. It is a good starting point and will provide the information you need to begin planning. For more information, you should contact your UniServ director.

Copies of this booklet, along with other materials, information and support designed to help you develop the capacity of your local are available by contacting Teri Battaglieri at tbattaglieri@mea.org or 800-202-1934 or from www.mea.org.

Strikes: Aren't They Illegal?

Prior to the passage of PA 112 in 1994, the Public Employment Relations Act (PERA) prohibited strikes by public employees and defined a strike as:

“Strike” means the concerted failure to report for duty, the willful absence from one’s position, the stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment.

This definition described what is generally considered an “economic strike,” under traditional labor law principles. MEA attorneys had some success in contending that a work stoppage that has as its purpose protesting unfair labor practices committed by the public employer was outside of the definition of “strike” in PERA and therefore not unlawful. In response, the Michigan Legislature, through the passage of PA 112, added language that broadened the definition of “strike,” but significantly limited the impact of the additional language to K-12 employees. PA 112 added to the definition of “strike” the following language:

For employees of a public school employer, strike also includes an action described in this subdivision that is taken for the purpose of protesting or responding to an act alleged or determined to be an unfair labor practice committed by the public school employer.

While this change eliminated an argument that an unfair labor practice strike was permissible for K-12 public school employees, the change actually strengthened the argument with respect to other public employees, including higher education employees. Although no Michigan appellate court has ruled on the issue, there is now a strong argument that the inclusion by the Legislature of language that prohibits unfair labor practice strikes for K-12 public school employees reflects an intention by the Legislature that other public employees have a lawful right to engage in a work stoppage for the purpose of protesting a public employer’s unfair labor practices. Since Michigan appellate courts have yet to rule on this issue, there remains the risk that a court could find an unfair labor practice strike by higher education employees to be unlawful.

Section 6 of the PERA allows a public employer to impose discipline up to and including discharge for those who engage in an unlawful strike. Thus, MEA members who engage in strike behavior ultimately assume the responsibility for their civil disobedience.

The decision to withhold services during bargaining is a local decision. The role of MEA is to attempt to ensure that the local and its members make that decision with knowledge of the possible consequences and, after having established the necessary crisis activity, to maximize the protection of those members during a work stoppage. MEA Legal Services also supports and defends members who engage in a work stoppage.

MEA's Crisis Assistance Policy

The MEA has a Crisis Assistance Policy in place to send the message to every local that it is ready, willing and able to help members in their struggle to achieve a fair and equitable contract. Locals need to know that they don't have to accept a bad settlement and that a job action (strike) remains as viable as ever as a tactic to achieve a good contract settlement.

The MEA Crisis Assistance Policy involves two specific groups:

1. The Crisis Assistance Team (CAT), which is formed for the particular local bargaining crisis to assess and monitor crisis activities and to make job action recommendations.
2. The Statewide Crisis Support Panel (SCSP), which is responsible for oversight of activities of all CATs and any resulting reports including assessments and recommendations.

The CAT and the SCSP are expected to provide:

- Recommendations of specific, effective and appropriate job action tactics and strategies.
- Recommendations of specific MEA services and support.
- An assessment of a local's crisis readiness plus recommended remedial measures.
- An oversight procedure that:
 - a. analyzes the likelihood that a local job action will be successful in resolving the bargaining dispute, and
 - b. analyzes the implications of a job action on other MEA programs and objectives.

Crisis Assistance Team (CAT)

CATs operate under the direction of the State Wide Crisis Support Panel (SCSP). The CAT should consist of about four people, including at least one local leader. When a CAT is deemed appropriate, your UniServ director will recommend and recruit the appropriate team members. Final authority and responsibility rests with the respective zone director.

Responsibilities and authority of a CAT:

- Realizing that not all job actions are strikes as defined by PERA and that not all strikes are the total withholding of services, the CAT is to recommend, when appropriate, options and alternative strategies short of a strike involving the total withholding of services.
- The CAT is to provide assistance and counsel to the local in crisis, advising it on what it needs to do and when.
- The CAT is to conduct the initial assessment of the local's readiness for a successful job action, up to and including a strike. The assessment is to include a determination of the membership support and the attitude and likely reaction of the community to any proposed job action.
- The CAT is to send all CAT Reports recommending a job action or reports recommending increased MEA organizational support to the SCSP (e-mail or U.S. mail to the MEA general counsel and to the Statewide Bargaining consultant). The CAT Report is a communication to the general counsel and is thereby protected by the attorney-client privilege.
- If a strike is recommended, the CAT is to advise the local on crisis preparation.
- CAT members may be asked to attend SCSP meetings.
- The CAT may determine that it needs to monitor the crisis activities and remain involved in the implementation of the local's crisis plan.
- CAT Reports involving a strike by a local or a coalition of locals within a university/college shall be acted upon by the SCSP. MEA Executive Committee approval is not required for CAT Reports involving strikes within a single college/university.

The SCSP includes, as standing members, an MEA officer, an Executive Committee member, the director of Bargaining, the Statewide Bargaining consultant, and as appropriate: additional MEA Board members, UniServ staff, MABO representatives and local leaders.

The SCSP is responsible for oversight activities and is charged to:

- Review the CAT Report.
- Approve, deny or modify any petition for extraordinary crisis assistance.
- Approve or deny, with or without conditions, recommendations for MEA support of job actions.
- Consider the likelihood of the success of a job action to resolve the bargaining crisis.
- Consider the implications of a strike on the membership, the effect on a PAC drive or key legislation and the effect, if any, on other MEA programs and services.
- If proposed by the CAT Report, determine whether a strike is or is not a recommended activity. If a strike is determined to be an appropriate activity, the SCSP may recommend support up to and including a multi-unit job actions and/or a statewide job action.
- If a multi-unit job action and/or a statewide job action is recommended, the SCSP's recommendation for approval or other action by the MEA Executive Committee is to include timelines for a plan of action as well as an estimate of the financial and other resources needed to ensure a successful job action.

The CAT Report

The job of the CAT is to conduct an assessment of a local's readiness for a successful job action and to make recommendations regarding job action(s) to be taken.

The instrument used by the CAT is called the CAT Report. Once completed, the CAT Report is reviewed by the SCSP panel which approves the recommended job action or makes other suggestions to the local involved.

A CAT Report provides a very thorough and detailed assessment of the readiness of a local considering a job action. A good crisis campaign plan will address most, if not all, of the things the CAT will be assessing. In fact, you should have a copy of the CAT Report form on hand as you develop your crisis campaign plan. Your UniServ director can provide a copy.

The CAT Report focuses on the following:

- Significant areas of dispute including association and employer positions.
- History of labor relations between the association and the university/college.
- Relationship between association and local elected officials including board members.
- Relationship between Board of Trustees and its negotiations team.
- History/progress of current bargaining including existence of petitions for fact-finding or unfair labor practices, declaration of impasse, threat of imposition, etc.
- Groups that will support the job action.
- Contacts with and level of support of other university/college employee groups.
- Member surveys/responses.
- Depth/breadth of local crisis plan including ability and dedication to implementing plan.
- Local's relationship with the community—level of support local can expect.
- Local's communication with community, students and other stakeholder groups—level of support local can expect.
- Level of member support local can expect.
- Internal communications with members.
- Local financial resources.
- Level of support by local association leaders.
- Type of media coverage received to date.
- Communication tools used to engage and inform community.

The MEA has crisis benefits programs for members who are engaged in an MEA-approved job action, i.e., recommended by the CAT (see p. 6) and approved by the SCSP (see p. 7).

Crisis Assistance Program (CAP)

The CAP exists to provide financial benefits to members engaged in an approved job action. Members are eligible for benefits the first day of the job action and the level of benefits is equal to the daily gross wage of the member immediately preceding the job action. The CAP program was originally funded by a special assessment of \$10 per year for EA members and \$5 per year for ESP members (this also includes fee payers), which was collected along with regular MEA dues. The fund is administered by the State Crisis Assistance Program Committee which is appointed by the MEA president.

Emergency Fund

The Emergency Fund exists to expand the borrowing power of members engaged in an approved job action by having their personal loans guaranteed by both the local and the MEA. Interest on loans not guaranteed by the local and MEA, but taken due to the job action, shall be paid by the Emergency Fund up to a limited amount and for a limited amount of time. (It should be noted that since the benefits under the CAP have been increased to the level of the gross daily wage of the member, this part of the Emergency Fund program may no longer be relevant. However, it remains in place.)

The Emergency Fund also exists to make no-interest loans to locals that are in financial hardship due to negotiations-related difficulties.

For further information about either of these benefit programs, contact your UniServ director or the MEA secretary-treasurer. You can download the CAP and Emergency Fund operating guidelines and policies at www.mymea.org, Departments, Executive Office/Governance.

MEA Legal Services

MEA will provide legal representation to members accused of engaging in illegal strike activity and to local associations involved in job actions in order to ensure that the legal rights of the Association and its members are fully protected. The MEA Legal Representation Policy establishes the terms and extent of legal coverage. You should contact your UniServ director to receive more information and to obtain those legal services.

Job Actions

All strikes are job actions, but not all job actions are strikes!

A job action is a collective/concerted action taken by a bargaining unit against a recalcitrant employer during the bargaining process. Most often job actions are taken against an employer whose bargaining behavior indicates an unwillingness to negotiate in good faith. Job actions range in degree of seriousness and level of impact with a strike being the most dramatic option.

Because some job actions could be considered strikes under PERA, it is very important that you involve your UniServ director and follow the guidelines in the MEA Crisis Assistance Policy (see p. 5) to assess your local's readiness to undertake such an action.

Work-to-Rule

One example of an effective job action is work-to-rule. Work-to-rule occurs when members of a local determine that it is necessary to demonstrate dissatisfaction with an employer during bargaining by collectively refusing to perform work beyond what is required either by their contract or an established past practice.

The reason work-to-rule actions are effective is because most education employees work far beyond the time required by their contracts.

Understand that a local is limited only by its collective imagination when it comes to specific work-to-rule actions. If you carefully examine your contract you will probably find a number of work-to-rule opportunities. Keep in mind, however, that you don't want to violate the contract or past practice; you want to adhere to it... exactly!

The decision to undertake an organized, collective work-to-rule job action should not be made lightly, and the reason for choosing not to engage in a voluntary assignment is critical. Even the most well-planned action has the potential to be ruled a strike as defined by PERA if it is designed to influence the outcome of bargaining. In such a case, higher ed members participating in the job action may be subject to penalties that include discipline up to and including discharge.

The possibility of a particular work-to-rule action being ruled a strike can be minimized through careful planning and execution. **No work-to-rule action should be undertaken without first contacting your UniServ director.**

The most successful work-to-rule actions are:

- Carefully planned and undertaken with support from MEA and your UniServ director.
- Clearly understood and actively supported by the members.
- Part of a well-developed crisis campaign plan.

Developing a Local Crisis “Campaign” Plan

In a crisis campaign, various people will need to play very specific, well-defined roles. These include local officers, the bargaining team, MEA UniServ staff and members of the crisis committee. Keep in mind that these roles will vary depending on many factors, including your local’s constitution as well as its past experience in crisis planning and job actions.

The following represent the most common key roles:

Bargaining Team—The people authorized to bargain. The team’s primary responsibility is to BARGAIN. They also visit the picket lines, boost morale, disseminate information and get feedback from members. The major strategy decisions on the conduct of a strike or other job action should be made or reviewed by the team.

President—Makes all the daily executive nuts-and-bolts decisions. Because the president is usually a member of the bargaining team, he/she may need to delegate these duties to a crisis chair or vice president.

Treasurer—Responsible for the budget, finances, expenses and the accuracy of the membership list for strike benefits.

Crisis Chairperson—Coordinates crisis campaign functions including activities of all other committees associated with the crisis campaign.

UniServ (Executive) director—May serve as chief negotiator and assists at the bargaining table. The UniServ director is experienced with crises and can arrange for and coordinate necessary additional staff/organization assistance, e.g., legal, communications, financial.

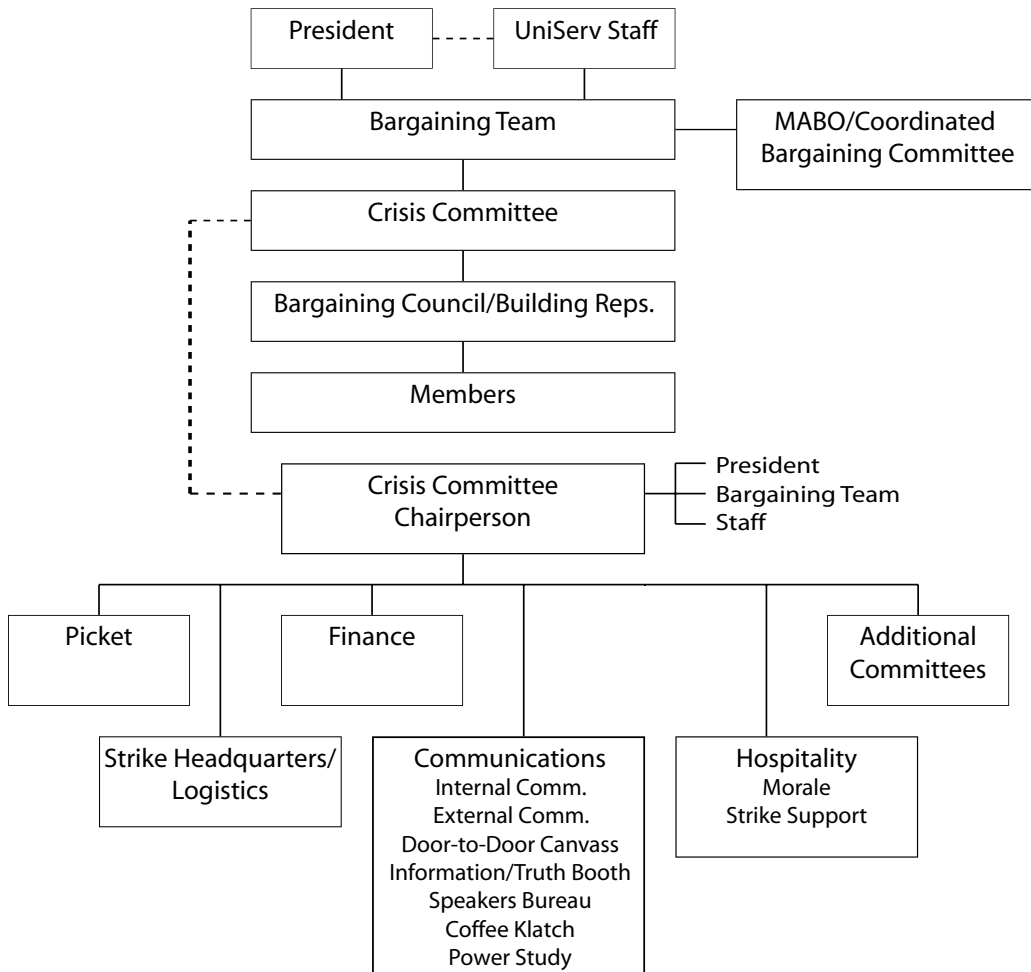
Be sure to clarify who is responsible for the following:

- Who is authorized to bargain (including “sidebars”)? Stick to your authorized negotiators to avoid members’ attempts to cut deals, circumvent the process, etc.
- Who is authorized to speak to the media? Limit this to one or two people to ensure that the message is always accurate and consistent.
- Who approves expenses? You can put your association in serious financial difficulty if you don’t have guidelines, accuracy and control.
- Who makes the nuts-and-bolts daily decisions?

Crisis Campaign Structure

It is very important to have an infrastructure in place to support your local's crisis campaign plan. Key to this infrastructure is the **Crisis Committee**. In addition to the crisis committee another critical committee is the **Crisis Communications Committee**. Other important committees will need to be formed and activated at different times during the bargaining process depending on how bargaining progresses.

Below is a sample crisis structure you may want to consider using. Modify this to meet the needs of your local.



Crisis Committee

This committee is responsible for planning and implementing the crisis campaign plan. All other committees work under the umbrella of the Crisis Committee. The success or failure of your crisis plan will, in large part, rest upon the skill and preparation of the crisis committee. Members of the Crisis Committee usually include:

- Local president
- Chief negotiator
- Crisis chairperson
- Other crisis subcommittee chairs
- Crisis treasurer
- UniServ director and other MEA staff as needed

A special note about the Crisis Committee chairperson...

Very simply put, the crisis chair's job is to coordinate your local's crisis campaign. This is not a job for the weak of heart! It is very important that the person who serves as the local crisis chair be decisive, diplomatic, experienced, well-respected, organized and adept at juggling multiple tasks at the same time. Because of the nature of this position, it is strongly suggested that this position be appointed instead of elected.

The basic responsibilities of the crisis chairperson are:

- Chair all meetings of the Crisis Committee.
- Schedule regular meetings for the duration of the crisis.
- Develop and update crisis calendar.
- Make decisions for the Crisis Committee between meetings as appropriate within authority granted by the executive committee of the local.
- General coordination and oversight of all committee work/activities.
- Report to the president and bargaining team on a regular basis.
- Speak for the association in absence of the president, chief negotiator or UniServ director.
- Handle complaints and internal disputes.
- Supervise the strike headquarters.

Public relations and communications must be key parts of your crisis campaign plan. They complement and support the bargaining team's efforts to reach a fair and equitable settlement. In addition to the information contained in this booklet, you will want to download MEA's **Public Relations in a Crisis handbook** from www.mymea.org, under Departments, Communications. It should be required reading for all crisis communications committee members—it contains everything needed for developing a first-rate crisis communication plan.

The purpose of the Crisis Communications Committee is to communicate with both the membership and the public in a time of crisis. There is no way that the Crisis Communications Committee can do all of the work in a crisis. Subcommittees should be created to help implement a strategy designed to address both internal (members) as well as external (public, media) communications.

A few words about the Crisis Communications Committee chairperson...

Select the chairperson of this committee with care! It is important that he/she be well-organized, creative, energetic and an extremely skilled communicator. This person will have to recruit volunteers, maintain media contacts, write/edit material for internal and external use, serve as a member of the Crisis committee, prepare and work within a budget and motivate people to get involved and take action. It is important that the chairperson have the time and energy to devote to leading this committee because the committee will probably operate on a year-round basis, especially during a bargaining year.

12 Steps to an Effective Crisis Communications Plan

1. Form a Crisis Communications Committee. Ideally, this committee should begin its work a year ahead of when the contract expires.
2. Get yourself and the membership into crisis mode.
3. Create a crisis communications calendar for the months leading up to, during and following bargaining. (see p. 17 for more details)
4. Develop a crisis/bargaining message; choose a signature color. (see p. 18 for more details)
5. Know the calendar of events for your university/college.
6. Create a written internal and external crisis communications plan that you can share with the membership.
7. Produce regular crisis newsletters/updates.
8. Establish a communication system with the community.
9. Develop a relationship with the media.
10. Find out who your members are, what they do and how they'll volunteer to help.
11. Contact MEA Communications.
12. Download and read MEA's Public Relations in a Crisis handbook (www.mymea.org, Departments, Communications).

Part of a good crisis communications plan are activities designed to support the overall bargaining/crisis strategy. These activities should be designed to ensure maximum member engagement and foster community support. It is very important that the Crisis Communications Committee develop and adhere to a crisis communications calendar that outlines all activities for the months leading up to, during and following bargaining. The most effective calendars start backward from an anticipated end date.

Consider the following guiding principles as you plan crisis activities:

- Power is not what you have... but what the other side thinks you have. Carefully planned activities are a show of power.
- Schedule at least one media event per month.
- Be able to explain what the goal of each action or activity is.
- Make sure there is a person(s) or subcommittee responsible for each action.
- List the resources or materials needed for each activity.
- Create a budget for your calendar of activities.
- Don't go beyond the experience of your members. Explore creative ways to get them involved.
- Whenever possible, go beyond the experience and expectations of the opposition.
- Your members must enjoy the activities you plan.
- Tactics or activities that drag on usually fizzle out.
- Keep the pressure on by increasing the intensity of activities as time goes on.
- The threat of action is usually more powerful than the action itself.
- Pick a target—personalize—and polarize the opposition.

Bargaining Support/Crisis Activities

Consider the following suggestions as you plan your crisis communications calendar. These activities are organized in stages. Pressure activities begin with the education of members and the community and then escalate up to the targeted crisis date. Remember – don't set patterns; keep changing the activities. Remember to clear all activities with leadership and your UniServ director.

Stage 1 Activities

- Select a crisis theme
- Select a crisis color (not school colors)
- Wear same color
- Wear buttons
- Bumper stickers/car window signs
- Communication system with members
- Internal newsletter (after bargaining sessions)
- Member phone fan-out/e-mail list (test it!)
- Wear hats, T-shirts, etc.
- Develop precinct maps
- Complete a power study
- Develop a community newsletter
- Encourage community members to call Board of Trustees
- Attend Board of Trustees meetings

Stage 2 Activities

- Picket Board of Trustees meetings
- Enlist speakers at Board of Trustees meetings
- Attend community events
- Set up a Web site
- Distribute information flyers
- Connect with local police, fire dept, etc.
- File grievances, FOIA requests
- File ULPs – with follow-up press releases

Stage 3 Activities

Crisis Assessment Team (CAT)

Work to rule

Community coffee klatches

Hold a rally

Investigate banks, etc., for low interest loans

Radio and public access TV ads

Search for and set-up crisis headquarters

Run ads, billboards, signs

Decline committee or after hours work

All enter and leave buildings together

Be ready to seize the moment; they always make mistakes!!

Message Development

The Heart of an Effective Crisis Campaign

A strong, consistent message should be at the heart of your crisis communications plan. Your message should be simple, straightforward and delivered at every available opportunity. A good message is simple, meaningful and relevant.

In terms of a bargaining message, the public responds most positively when we talk about *students, quality in the classroom and the future*. There may come a time when it's appropriate to talk about money and benefits, but lay the groundwork first. Talk about money in terms of "attracting and retaining the highest quality instructors and education support professionals for the sake of the student in the district." Keep your message as positive as possible!

Consider including some of the following when developing your message:

Students

literacy
equity
access to affordable higher education
preparing students for the future

Quality

standards
licensure
professional development

The Future

change/reform
technology
vocational skills

Here are some messages that have been successfully used in other higher ed locals:

- It's not about dollars and cents; it's about quality education.
- Quality education costs.
- University/college employees—an investment in the community.
- Anytown university/college employees—two years without a contract. That's a commitment.
- University/college employees support higher ed. Please support them.

It doesn't matter how good your message is if you can't get it out. Your communications plan should include a variety of strategies for delivering your message. Make sure that your message appears on all materials you create including flyers, shirts, buttons, etc.

Of all the audiences you need to keep informed, your members are the most important. They're critical to the success of your entire crisis campaign plan. A goal of the opposition is to separate members from their association and its message. Your goal is to establish the association as the chief source of information and security for the members. **The membership's understanding and support of the issues has to be cultivated and nurtured—before, during and after the crisis.**

Here are some typical internal communication activities that should be included in a crisis communications plan:

- Survey members to find out what they are willing to do, what special skills they have, what contacts they have in the community, etc.
- Regular bargaining newsletters and/or e-mail updates should be sent to members throughout the bargaining process.
- Create and test a phone fan-out system for contacting members.
- Develop a list of members' home/personal e-mail addresses.
- Develop a rumor control system to defeat the divide and conquer strategy.
- Establish a hot line so that members can keep updated.
- Find alternate ways to communicate with members if the university/college mail/e-mail system becomes unavailable. Remember, e-mail is under the control of the university/college and should not be considered private.
- Schedule regular membership meetings during the crisis period to inform and boost morale.
- Be first with information to members.
- In addition to sharing information with members, provide them with appropriate actions to undertake—calling Board of Trustees members, writing letters, picketing, etc.
- Keep member crisis activities fun and varied.
- Make sure members know how to reach the Crisis Communications Committee.
- Find ways to thank members for their cooperation, participation and support.

External Communications

The goal of external communications is to gain public support for your situation by informing and educating the community on association issues and position. The activities you organize and the message you send should be designed to put pressure on decision-makers to move more quickly toward a settlement. Here are some activities to include in your plan:

- Write letters to the editor and opinion page editorials for local newspapers.
- Schedule informational picketing (especially effective in conjunction with Board of Trustees meetings).
- Hold a community rally.
- Host informational coffee klatches held in the homes of friendly parents/community members.
- Start a Speakers Bureau—get yourself on the agenda of meetings of community groups, local union and labor councils, civic and church groups.
- Have a Truth Booth in front of a grocery store, county fair, etc., to distribute flyers and fact sheets.
- Use community and university/college events as opportunities to get your message out.
- Reach the public through paid advertising.
- Go door-to-door and deliver the association's message in person.
- Use direct mail to get information out into the community.

Before planning any community event/activity, it is important to ensure that it will work to the association's advantage. Consider these questions when making decisions about community PR:

Does it put pressure on decision-makers?

Does it create urgency to act so that students and their education won't suffer?

Does it disrupt normalcy and destroy the mood that everything at the university/college is fine?

Does it build organizational loyalty?

Does it move the parties toward settlement?

Talking the talk...

Agency Shop—A provision negotiated into a master agreement which says that bargaining unit members who do not belong to the association must either join the association or pay a sum equal to its dues as a condition of continuing employment. This fee reimburses the association for representing nonmembers, which it is required to do by law.

Agreement (master)—A written contract arrived at through the process of negotiations that covers the employees' terms and conditions of employment.

Arbitration (binding)—A method of settling contract disputes between the parties of a contract by having an outside third party (arbitrator) hear the grievance and render a decision binding on both parties. References to binding arbitration usually involve disputes over the administration of an already negotiated contract (rights arbitration) and not disputes over what should go into the contract during bargaining (interest arbitration).

Bargaining Team—Negotiators who will actually be at the bargaining table and who are actively involved in negotiations.

Collective Bargaining—The process of negotiating wages, hours and terms and conditions of employment into one agreement that will cover all of the employees in a bargaining unit.

Contract—Usual terminology is "master contract," which is the same as "master agreement." This is the negotiated document that when ratified and signed by both parties incorporates all agreements reached during bargaining into a binding contract.

Fact-Finding—A process that usually follows mediation in an effort to settle disputes. The fact-finder: will hear the issues; will seek to obtain the surrounding facts; and will then, as a result of these facts, issue a written report and recommendations for settlement to both parties in the dispute. Such reports are not binding on either party, unless both parties agree to such a stipulation.

Impasse—A point reached in formal negotiations at which both parties agree that they can go no further in the process of proposals and counterproposals. Their best offers (at that time) are on the table, but neither is acceptable to the other party, bringing them to a point of impasse. "We are never at impasse!" (See your UniServ director for an explanation.)

Injunction—A court order restraining individuals or groups from committing acts that the court determines will do irreparable harm or imperil the health and welfare of the community. Boards will often seek such an order as a result of an employee strike.

Lockout—A suspension of work initiated by the employer as a result of a labor dispute.

Mediation (conciliation)—Conducted by a mediator, this process is an effort to bring the parties together to settle a dispute. The mediator has no power to force the parties into any kind of agreement but uses powers of persuasion.

MERC (Michigan Employment Relations Commission)—The commission's primary duty is to hold elections to determine union representation, to interpret and apply the law concerning unfair labor practices, and to provide mediation services.

Negotiations—The process by which representatives of management and the union bargain to set wages, hours and terms and conditions of employment, as well as the method for handling grievances.

Ratification—A process whereby all members of the bargaining unit are called to a meeting to review and discuss any and all changes as negotiated for a new contract. Following discussion, a vote is taken on whether the new contract should be accepted or rejected; a favorable vote by the membership constitutes the ratification of the contract. A new contract can only be signed and become effective following ratification by both parties.

Reopening Clause—A situation within a multi-year contract that provides for negotiations to be reopened on some specifically stated items or provisions (e.g., salary, benefits) during the contract's duration.

Strike—A work stoppage for the purpose of gaining concessions from the employer.

Temporary Restraining Order (TRO)—A court order issued by a judge for a limited period of time and prior to the hearing being completed, for example, forbidding members from striking under penalty of law.

Tentative Agreement (TA)—When individual provisions of the contract, and ultimately the entire contract, are agreed to at the bargaining table by the two negotiating teams. Such agreements are referred to as being "tentative" because they are ultimately subject to ratification.

Unfair Labor Practice (ULP)—When the employer has bargained in bad faith or refuses to bargain.

UniServ director—The staff person assigned to your local to assist with contract negotiations, contract maintenance, retirement, unemployment, workers' compensation, representational issues and a host of other member issues.

Eventually, all contracts get settled, all crises pass and everything gets back to normal... until the next time. It will be time to start planning for bargaining (and crisis) again before you know it!

Don't miss the opportunity to take advantage of the positive effects that may have resulted from the bargaining crisis—increased member engagement and support for the association, community support for university/college employees, increased visibility and respect for your association, etc. Preparing for a crisis the next time around will be easier if you build upon the foundation you already have in place.

- Thank-you letters need to be written to people who provided special support, organizations that spoke up, businesses that provided services, food or other acts of kindness.
- Issue a press release regarding the contract settlement.
- Recognize all of the members who played a role in bargaining and crisis activities.
- Debrief with MEA staff, association leaders, bargaining team, crisis committee and crisis subcommittees to assess what worked, what didn't work, etc. This assessment should be summarized in written form for reference for future planning.
- The member unity that has been achieved should be fostered through planned association activities/events.
- Regular communication with members should continue via e-mail, newsletters, etc.
- Continue association involvement in the community through participation and support of civic events, attendance at meetings, support of community organizations, etc.
- Maintain a positive relationship with the local media. Contact reporters to inform them of positive things association members are doing in the area and with students.
- Continue to attend Board of Trustees meetings and communicate with trustees as a group and on a one-to-one basis.

We're here to help...

The MEA has a variety of resources and expert staff available to assist your local with crisis planning. If you have need of these services, your UniServ director will be able to make the contacts and provide the information to help you. In addition, the MEA Communications Department is ready to help with any crisis communication needs you may have—from developing strategy, to dealing with the media, to designing crisis materials. Again, your UniServ director can help you access these services.

For more information about strengthening your local through MEA's Building Full Capacity Locals initiative, contact Teri Battaglieri at tbattaglieri@mea.org or 800-292-1934.

MEA Publications

These Building Full Capacity Locals booklets are designed to help you strengthen your local and energize your members. Copies are available to download from www.mea.org, Leaders or by contacting Teri Battaglieri at 800-292-1934 or tbattaglieri@mea.org.

- **BFCL Self-Assessment**—designed to help local leaders assess their organization in each of the eight indicators of a full capacity local; results of the assessment serve as the catalyst for local strategic planning.
- **Getting Strategic**—the follow-up to the BFCL Self Assessment; a guide to long-range planning that can be adapted to fit the unique needs of each local association.
- **A Year in the Life of a Local President**—a month-by-month look at the responsibilities and opportunities for local presidents; designed to help local presidents get the job done each month.
- **You've Been Elected... Now What?**—produced in conjunction with the MEA Organizing Department, this booklet focuses on the jobs of the president, vice-president, secretary and treasurer. It's filled with do's and don'ts for local officers.
- **PAC Plan of Attack**—designed to help local leaders plan and implement fun, successful local PAC drives and increase member political involvement.
- **PAC Plan of Attack: The CD**—accompanies the booklet; contains samples of successful local PAC drives and events as well as templates and graphics to help locals develop successful PAC drives.

- **Starting with the Basics: Building/Association Representatives and Stewards**—addresses the specific needs of local ARs; offers simple, concise information on the basic things that ARs must know in order to best serve members. (Request the Higher Ed edition.)
- **Communications 101: Developing a Local Communications Strategy That Works**—focuses on designing an effective local internal and external communications plan. (Request the Higher Ed edition.)
- **Communications 101: The CD**—accompanies the booklet; contains samples of successful newsletters, programs, activities and Web sites created by local associations around the state in addition to templates, graphics and other information to help locals develop their communications plans.
- **Crisis Planning: It's Never Too Early to Start!**—designed to help local leaders develop an effective crisis plan at the same time they begin to plan for bargaining. (Request the Higher Ed edition.)
- **United We Stand... Coalition Building for EA and ESP Locals**—designed to focus on helping local EA, ESP and Higher Ed units form coalitions for the purpose of fighting privatization, bargaining better contracts and becoming stronger politically.
- **Processing Gripes and Grievances**—designed to provide the basics of processing members' "gripes" and grievances in a systematic, organized and constructive manner. (Request the Higher Ed edition.)
- **Processing Gripes and Grievances: The CD**—accompanies the booklet; contains in-depth information and resources that will enhance knowledge and skills in the areas of grievance processing and addressing member concerns.

MEA

Michigan Education Association

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