

# How Does Collective Bargaining Work?

## A Step-by-Step Guide

Collective bargaining is a process through which the union and employer exchange proposals, share ideas, mutually solve problems, and reach a written agreement.

Most times, bargaining occurs when an existing contract is going to expire. But sometimes, sometimes a local will negotiate a first contract after organizing a new bargaining unit. Both sides form bargaining teams and gather information.

The resulting approved contract legally binds the union and the employer. Each round of successor negotiations allows the parties to revisit existing agreements.

While there are many local variations, here is how the collective bargaining process commonly unfolds in public education.

### 1. Preparing for bargaining

The union's bargaining team is usually selected through a process outlined in the union's constitution and/or by-laws, while the employer designates the management team.

Each team analyzes the current collective bargaining agreement to identify areas they want to improve.

Ideally the local will reach out to community partners, parents, and other stakeholders to seek input on issues for potential proposals.

### 2. Conducting negotiations

Negotiations usually take several rounds of bargaining. The union and management express the rationale behind their proposals.

Some contract provisions remain predominantly the same from contract to contract while others, such as salary, are bargained with each contract. The parties may modify some sections, and either side may propose a new bargaining topic.

State law and court cases determine the mandatory, permissive, and prohibited subjects of bargaining.

### 3. Ratifying the contract

When the union and employer teams reach a tentative contract agreement, they review the proposed contract with their respective constituency groups.

The union holds a ratification meeting where employees ask questions and offer opinions on the tentative contract agreement. Individuals are then asked to vote on the tentative agreement, usually by secret ballot. A majority of votes determines if the contract is ratified (accepted) or rejected.

The management team generally seeks approval from the school board or other governing body. If both sides ratify the tentative agreement, then the parties have a new (or successor) collective bargaining agreement. If the tentative contract agreement is rejected—by either party—the teams usually return to the bargaining table and continue to negotiate until they reach a new tentative agreement for a vote.

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#### 4. Resolving a contract dispute.

If the parties cannot reach an agreement, state law generally specifies how the dispute can be resolved.

Usually, the parties can use mediation, arbitration, and/or a strike or lockout to reach an agreement. Strikes (and lockouts) are infrequent in public education but are allowable in several states.

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#### 5. Changing or clarifying the contract.

With the agreement of both parties, any section of a ratified contract can be revised during the term of the contract. In many districts, labor and management representatives meet regularly during the term of the contract to talk about and resolve issues of mutual concern, often through an established joint labor-management committee.

In addition, either at the bargaining table or during the life of a contract, the parties can bargain a memorandum of understanding (MOU) related to a specific issue. The benefit of an MOU is that it allows the parties to reach an agreement on a new or unforeseen issue that is important to both the union and the employer.

## MAKE THE MOST OF YOUR UNION ENGAGE WITH YOUR LOCAL

### READ YOUR CONTRACT AND UNDERSTAND YOUR RIGHTS.

Read your collective bargaining agreement or, in states without bargaining rights, your relevant policy guidelines. Be aware of your rights.

If you have questions, ask your Association representative or more experienced colleagues. **The Association is here to help you and your students.**

### ATTEND UNION MEETINGS AND EVENTS.

There are countless ways you can become more involved with your union. Local unions hold regularly scheduled meetings to discuss critical issues, participate in events in the community, and create different membership committees or caucuses.

**BEING AN ACTIVE MEMBER OF A UNION  
HELPS BUILD SOLIDARITY—AND IS MORE  
VITAL WHEN YOU ARE INVOLVED!**

**Learn more**

[nea.org/CollectiveBargaining](https://nea.org/CollectiveBargaining)