



Case Study: MOU and Collective Bargaining Audits

Summary

A small-sized city (less than 300 employees) has historically used internal staff to negotiate with their one labor union. As a small agency, that process has worked well but as they prepared for upcoming negotiations, they thought it might be time to have the collective bargaining agreement reviewed for legal compliance and to help them understand some provisions that were unclear and had resulted in a few grievances.

LCW conducted a full MOU audit and reviewed the labor agreement in detail. The process involved:

- Updating contract language to comply with the law;
- Improving clarity by re-writing ambiguous sections;
- Reviewing the language against actual practice within the agency to ensure what the contract said matched the implementation within the organization;
- Reorganizing subjects so that similar topics (e.g., leaves of absence) were within the same section of the collective bargaining agreement.

Challenges

The audit results suggested a substantial re-write of the agreement. Before presenting the proposed changes at the bargaining table, LCW facilitated a MOU review process to ask questions and gain insight about language that was unclear, ambiguous and/or to seek an understanding of the history involved in certain contract provisions. This process, designed to engage in collaborative discussions, was effective in obtaining agreement across the table that improving the contract language would be beneficial to both parties. By including the union in the process of cleaning up the contract, the parties worked together toward a mutually beneficial outcome. It was time-consuming and at times tedious; there were sessions where it seemed easier to just let it be rather than try to improve the MOU, but by staying focused on the long-term objectives they overcame those challenges.

Results

Together the City and the Union agreed to modify the contract language. The outcome was a well-organized, easy to read/understand document with terms that could be implemented and managed consistently throughout the organization. Both the City and the Union felt it could communicate to employees and members and that those communications would be unified when explaining contract language.

Impact

A few years later, LCW was back with this same agency to negotiate the next collective bargaining agreement. That process was much easier on both parties as the rapport developed by working together on every word in their agreement provided a level of credibility and pride that they had jointly accomplished something that benefitted everyone. Both parties were able to quickly identify minor corrections that needed to be made and we began the process with a clean MOU and a much more narrow scope of issues. The negotiations started off on a friendly footing which set the stage for reaching their next agreement in a professional and positive way.

If you have any questions about this issue, please contact our Los Angeles, San Francisco, Fresno, San Diego, or Sacramento office.

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