

Negotiating Federal Labor Agreements Course

Master the skills to prepare for and conduct federal labor agreement negotiations, including resolving disputes and applying effective bargaining strategies.

Group classes in Live Online and onsite training is available for this course. For more information, email onsite@graduateschool.edu or visit: <https://www.graduateschool.edu/courses/negotiating-federal-labor-agreements>



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Course Outline

Module 1: Negotiations in General

- Define negotiation and the mutual obligation to bargain in good faith under 5 U.S.C. §7103(a)(12).
- State goals of negotiations and why a collective bargaining agreement (CBA) shapes day-to-day relations.
- Recognize the value of reaching agreement versus the costs of ULPs, mediation, and impasse procedures.

Module 2: Framework for Labor-Management Relations and Negotiations in the Federal Service

- Outline 5 U.S.C. Chapter 71 (subchapters, rights/duties, grievances, official time, negotiability, impasses).
- Explain Congressional findings and the Statute's purpose to promote effective and efficient government.
- Review key terms (union, unit, collective bargaining) and where FLRA, FSIP, and FMCS fit.

Module 3: The Role of Third Parties in Collective Bargaining Disputes

- Describe FLRA functions (representation, negotiability, ULPs, arbitration exceptions) and the General Counsel's role.
- Use FMCS mediation effectively and understand mediator tools and limits.
- Escalate to FSIP authority at impasse and understand arbitrators' role and appeal limits.

Module 4: Labor-Management Partnerships

- Trace partnership policy from EO 12871 to later changes and agency discretion.
- Identify potential partnership benefits for mission, service, and workplace climate.
- Clarify how permissive subjects and contract provisions interact with partnership structures.

Module 5: Alternative Dispute Resolution

- Define ADR methods (mediation, facilitation, fact-finding, settlement conferences).
- Compare ADR advantages (speed, flexibility, confidentiality) against when precedent/public record is needed.

Module 6: Exclusive Representation

- Explain certification, elections, accretion, and successorship in forming/maintaining bargaining units.
- Apply appropriate-unit criteria and statutory exclusions (e.g., supervisors, management officials, confidentials).

- Understand implications for management, unions, and employees (duty of fair representation, dues allotment).
- Follow do's and don'ts for management conduct during organizing campaigns.

Module 7: Statutory Rights: Employee, Union, and Management

- Distinguish union/employee rights (formal discussions, Weingarten) and management rights under §7106(a).
- Meet data-disclosure standards (particularized need) and negotiate reasonable official time.
- Apply criteria for “formal discussion” and roles during investigative interviews.

Module 8: Scope of Bargaining

- Separate prohibited subjects (management rights, law/regulation conflicts) from conditions of employment.
- Negotiate procedures and appropriate arrangements under §7106(b)(2)–(3) and elective subjects under §7106(b)(1).
- Assess compelling-need claims and use a structured checklist to avoid negotiability disputes.

Module 9: Unfair Labor Practices

- Identify common management and union ULPs and the six-month filing limit.
- Follow the ULP process (investigation, complaint, ALJ hearing, FLRA decision, court review) and available remedies.
- Prevent ULPs through timely bargaining, notice, and respect for representational rights.

Module 10: Contract Administration

- Administer and interpret the CBA; apply past practice principles and manage mid-term bargaining.
- Operate grievance procedures through arbitration and understand limits/interaction with FLRA review.
- Set up mechanisms for agreement implementation, communication, and dispute prevention.

Module 11: Basic Bargaining Concepts

- Differentiate positions vs. interests; prepare using BATNA, ZOPA, and issue framing.
- Plan proposals with negotiability, cost, and operational impact in mind.
- Organize roles, ground rules, and an information-exchange strategy.

Module 12: Models of Bargaining

- Compare traditional (positional) and interest-based bargaining (IBB) approaches.
- Select or blend models based on problem type, relationships, and mission needs.
- Structure IBB steps (issue identification, interests, options, objective criteria, agreement).

Module 13: Stages of Bargaining

- Move from pre-negotiation planning and ground rules to opening statements and data exchange.
- Draft, caucus, package, and reach tentative agreements; memorialize understandings.
- Prepare for mediation/impasse if talks stall.

Module 14: Bargaining Tactics, Techniques, and Strategies

- Use and counter anchoring, bracketing, conditional offers, and proposal packaging.
- Manage table behavior (caucuses, note-taking, messaging) and respond to counter-productive tactics.
- Sequence issues strategically and trade across the table to close gaps.

Module 15: Resolutions of Bargaining Disputes and Finalizing the Contract

- Engage FMCS mediation; escalate to FSIP procedures when required.
- Complete agency-head review, ratification, and finalize agreement text.
- Plan implementation, training, and rollout to reduce post-signing disputes.

Module 16: Traditional Negotiation Simulation

- Conduct a full-cycle mock negotiation from ground rules to tentative agreements.

- Draft article language and test bargaining tactics in a realistic scenario.
- Debrief lessons learned to improve readiness for real-world negotiations.