

# CBA Negotiation Checklist



## Overview

Use this document as a best-practices checklist for steps that should be taken before, during and after the collective bargaining process. Bargaining groups should use this document as they prepare and continue through negotiation to help be more efficient and productive at the bargaining table.

This document is offered in good faith and is intended as a reference guide. This document is not representative of legally binding protocols or standards within the bargaining process. It is the responsibility of the parties negotiating to be aware of any Federal, State and Local laws.

### 90+ Days Before Contract Expiration

- Contact your FCA regional Vice President to see if LMCI is sponsoring any Mutual Gains Bargaining training sessions near you.  
*If there is a session near you, attend with those interested in negotiations.*
- Review and analyze previous negotiation results.
- Review and analyze the current collective bargaining agreement.  
*Look for language that is unclear, has been the source of grievances or hinders production.*
- Determine your bargaining status (8f vs. 9a).
- Review all legally-required notification issues according to agreement timelines.
  - Send certified letter of desire to bargain.
  - Send notification to mediation agencies: Federal, State or Territorial
- Determine your association's bargaining authority.
  - Determine who you represent and obtain bargaining authorization.
  - Review and revise, *if necessary*, your association by-laws governing bargaining authority.

### Before Contract Negotiations

- Consider composition of the association's bargaining committee.  
*Items to consider include the size of the contractor, the amount of hours the bargaining group represents, specialty markets, labor-management relationships, local influences, etc.*
- Identify time commitment and delineate role of the bargaining committee.
- Educate committee members about roles and pick a spokesperson.
- Attempt to identify and limit contractors bargaining independently.
- Collect regional and national industry suggested language.  
*Available resources: Model Collective Bargaining Agreement and the FCA online database. See the boxes on the right for more information.*
- Collect regional economic forecasts and market studies.  
*Available resource: Construction Labor Research Council (CLRC) settlement reports. Find out more information about these reports on the next page.*
- Monitor other craft settlements.

#### Online CBA Database

FCA has an online database filled with collective bargaining agreements throughout North America. Searchable by keywords, this database is a valuable tool for any FCA member preparing to enter bargaining. This database can be found at [www.finishingcontractors.org](http://www.finishingcontractors.org).  
\*\*Note – FCA website username required to access

#### Model CBA

FCA and the IUPAT negotiated a Model Collective Bargaining Agreement that is intended to serve as a resource for bargaining teams. Containing flexibilities in wages and working conditions, the model CBA helps FCA members remain more competitive in tough markets. The model agreement, along with a model agreement guide, can be downloaded at <http://finishingcontractors.org/members-resources/labor-management/cba-resources> \*\*Note – FCA website username required to access

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- Reduce suggested language, market studies, craft settlements and other supporting information to a presentable manner.
- Survey all contractors by general meeting or other means for their CBA objectives.
- The bargaining committee reviews all CBA objective proposals and establishes bargaining objectives and an overall goal.  
*An overall goal, such as "Increasing Market Share," will help guide the conversation at the bargaining table.*
- Anticipate possible union objectives.
- Establish strike contingency plan.
- Consider if union elections may influence negotiations.
- Establish meeting location(s).
- Send notice to all bargaining committee members of meeting location, time and frequency.

## First Negotiation Meeting

- Establish bargaining ground rules.  
*Ground rule examples include: the number of representatives on each side, negotiation sessions closed to the public and membership, length of sessions, etc.*
- Identify who will take minutes of bargaining sessions.  
*If minutes are jointly prepared they should be marked draft until approved.*
- Take initiative in setting the agenda for negotiation's focus.
- Create a file and storage system and location for all related documents.
- Create a mutually agreed upon process to review and document accepted and declined proposals.

## Between Negotiation Meetings

- Consider a brief meeting or conference call of the contractors' negotiating committee right before and after each negotiating session to ensure everyone is on the same page.
- Review and document accepted and declined proposals.
- Review counter arguments and proposals.
- Develop rebuttal proposals.

## Last Negotiation Meeting

- Attempt to negotiate all financial allocations, particularly with respect to pension contributions.
- Finalize all mutually agreed upon contract language.
- Provide best and final offer.  
*Keep a copy of the proposed best and final offer to compare to the ratified copy.*

## CLRC Settlement Reports

The Construction Labor Research Council (CLRC) is the industry's most comprehensive source of construction labor cost and related information for use in better understanding and administrating labor and its cost. Focusing on the union sector, CLRC data and analysis facilitate informed decision making. Information provided by the CLRC is accurate, timely, objective and recognized and respected throughout the construction industry. FCA members can download CLRC reports from [www.finishingcontractors.org/cba-research-reports](http://www.finishingcontractors.org/cba-research-reports)  
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### After Final Negotiation

- Review, in extensive detail, the ratified best and final collective bargaining agreement for accuracy. Pay particular attention for any additions and omissions.  
*If applicable, return agreement identifying any additions and omissions.*
- Gather management signatures on final document.
- If the agreement is going to be printed, make certain the printed version *is identical* to the signed agreement.
- Distribute final signed collective bargaining agreement to contractor members.
- If applicable, post the final CBA onto your local association's website.
- Send a copy of the agreement to the FCA International Headquarters to post in the FCA Online CBA Database.

