

## LABOR RELATIONS Direct Dealing



**Direct dealing** is used to describe a situation where the employer (a supervisor, department head, appointing authority, etc.) **deals** directly with an individual concerning the individual's terms and conditions of employment instead of **dealing** with the employee's collective bargaining representative. An employer may not bypass the union and deal directly with an employee on matters that are *properly the subject of negotiations with the bargaining unit's exclusive representative*. Such an action would violate the employer's duty to bargain in good faith and would constitute an "unfair labor practice".

➤ Direct Dealing does not mean that you cannot communicate or engage with your employees.

Our labor relations team represents CWU as the employer with the Public School Employees of Washington (PSE), the Washington Federation of State Employees (WFSE), and Teamsters unions. It is easy for the employer to be charged with direct dealing if a supervisor, department head, appointing authority, etc. is not familiar with the steps needed to implement a change of an individual's terms and conditions.

Example of terms and conditions

- ⇒ Wage (negotiating compensation for temporary work)
- ⇒ Hours (schedule change)
- ⇒ Working conditions (change in duties)

### Example of how to avoid direct dealing

The division would like to increase wages to a group of represented employees to avoid a retention issue.

### **As a Supervisor, what do you do and what do you need to know?**

#### **Wages are a Mandatory Bargaining Subject**

#### **PSE Contract, Article 4, Compensation - WFSE Contract, Article 40, Compensation**

**DO** work with CWU Labor Relations on your detailed proposal to change the wages.

*This may require a presentation to the budget committee on your idea or proposal.*

**DO** work with CWU Labor Relations on how to communicate about the proposal. A general announcement of the idea or goal of the department, such as might be in the budget committee proposal. "We are wanting to fund an increase for our employees and are taking appropriate steps to find out what our options might be"

**DO** let CWU Labor Relations communicate with the Union prior to letting the represented employees know the detailed proposal. The employees may know you are working towards a goal, but not the details.

**DO NOT** meet one on one with employees to discuss changes to the details, such as "I am considering a 5% increase" and then listening to feedback from the employees and changing it to "I would like to consider a 7% increase". By changing the proposal based on your conversation with employee, you have just "negotiated". The employees need to let their union know what they desire, so the union can negotiate a change to the proposal presented.

**DO** allow time for CWU to meet with the Union representative to discuss issues/concerns about changes and negotiate the proposal.

To **avoid direct dealing claims**, please work closely with CWU's Labor Relations team and your HR Partner to assist with in changes you are wanting to implement for a union represented employee.

### **Questions? Please contact:**

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