



What Now?

Virginia's New Labor Relations Law: What You Need to Know

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About Me

- ▶ Hometown: Detroit, MI
- ▶ Education:
 - ▶ Michigan State University BA, JD
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- ▶ Professional Background
 - ▶ 10 years teaching
 - ▶ 14 years of legal practice





Bargaining Is Legal...

Now What?!?



DON'T PANIC

Public Sector Collective Bargaining

What it is

- ▶ A shift in the employment relationship with some employees
- ▶ A change that will likely require a review of existing management preferences and practices
- ▶ An opportunity to improve some management practices
- ▶ A potential mine field of missteps

What it is not

- ▶ Giving employees whatever they demand
- ▶ A cure for employee morale and complaints
- ▶ Co-management with the union
- ▶ An obstacle to effective management of employees or organizational success
- ▶ The End of Days



Why Would We?

- ▶ Policy Drivers Behind Public Sector Bargaining
 - ▶ History of lower wages for civil servants
 - ▶ History of discrimination by public officials and employers
 - ▶ Public backlash against public sector employees
 - ▶ Workers are having a moment
 - ▶ **Because the governing body says so!**





Warming Up...

Getting to the Starting Line



The Known Unknowns

- ▶ Vague notions of how collective bargaining works
- ▶ The impact of local governments' limited authority impact on the nature of collective bargaining
- ▶ There is no body of labor law
- ▶ Shifting political winds



It's Complicated...

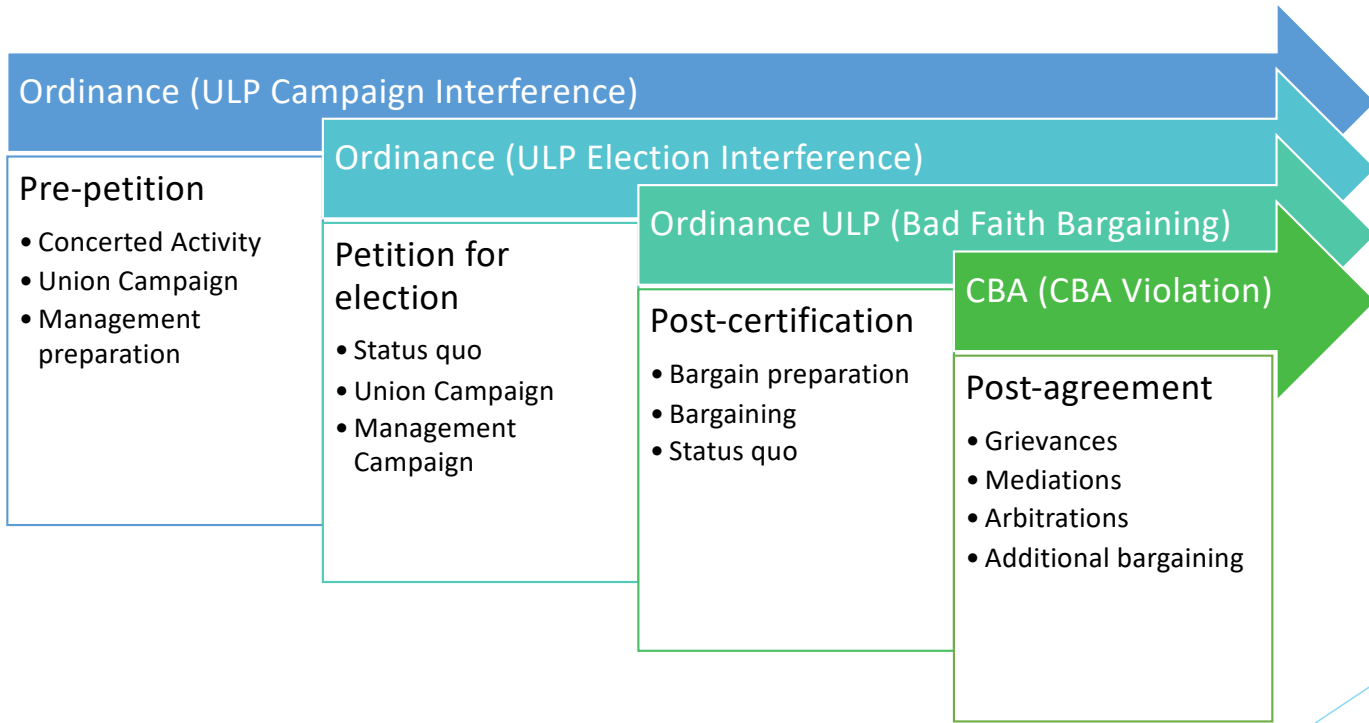
- ▶ Many people do not fully understand the details
 - ▶ What constitutes a bargaining unit
 - ▶ Pre-certification, post-certification, and post-bargaining phases
 - ▶ How disputes are resolved
 - ▶ How conflicts of interest can arise in collective bargaining



Watch Your Posture

- ▶ What are the policy goals of the body?
 - ▶ Range of attitudes about collective bargaining
 - ▶ Protecting the right of employees to choose
 - ▶ “Laboratory conditions” for elections

It's Complicated ...



It's Complicated...

Failure of Fair Representation Charges Against Union



Unfair Labor Practice Charges

Dillon Dillon Dillon

- ▶ Union attorneys and staff are not local government attorneys!
 - ▶ Accustomed to operating with uniform legal framework created by the legislature
 - ▶ Unfamiliar with the limitations of the Dillon Rule has on creating a bargaining framework at the local level
 - ▶ Unfamiliar with constitutional limits



Getting to the Local Authorization

- ▶ Always keep the extent of bargaining in mind
 - ▶ Who ultimately controls the budget and working conditions?
- ▶ Don't bargain over bargaining
- ▶ It's an ordinance not a CBA
 - ▶ Keep it simple and straightforward
- ▶ Before drafting the ordinance prioritize what you want to insulate from bargaining

It's Just the Beginning

- ▶ Changes must come
 - ▶ Change management with your managers and supervisors
 - ▶ Federalism approach to department leadership
- ▶ Management can no longer be reactive
 - ▶ Must start identifying issues you want accomplished out of bargaining
 - ▶ This is a significant change in thinking for many managers
- ▶ Watch your timelines
- ▶ Status quo?



Things to Watch Out For

- ▶ Watch for “side bargaining”
- ▶ Avoid presumptive bargaining
- ▶ Protect your subjects of bargaining
- ▶ Protect your management workforce
- ▶ Reform divergent management practices
- ▶ Monitor “past practices”
- ▶ Monitor FOIA disclosures



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