

Best Practices
Volume I, No. 1



I am pleased to be sending the inaugural issue of *Best Practices: Labor Relations & Employment Law*. I hope that you are able to quickly and easily benefit from the information contained in this and upcoming issues.

If you would like additional copies to forward to clients and friends, please feel free to contact me at jsteiner@offitkurman.com. Also, your comments and suggestions will be greatly appreciated.

Best Wishes,

Julius Steiner, Esq.
Senior Principal, Offit Kurman
Philadelphia Labor & Employment Practice

UPCOMING EVENTS

Executive Labor & Employment Breakfast Series:

Aligning Your Legal Needs with Your Bottom Line: Effective Use of Outside Labor and Employment Counsel

Adding Value by Minimizing Exposure and Maximizing Legal Protection

Philadelphia: February 10, Four Seasons
Baltimore: February 16, Four Points Sheraton

Employee Privacy Rights and Wrongs

Philadelphia: May 11, Four Seasons
Baltimore: May 23, Four Points Sheraton

Top Ten Ways Employers get Sued and How to Avoid Them

Philadelphia: September 20, Four Seasons
Baltimore: September 22, Four Points Sheraton

Avoiding FLSA Problems

Philadelphia: November 15, Four Seasons
Baltimore: November 9, Four Points Sheraton

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BEST PRACTICES: LABOR RELATIONS & EMPLOYMENT LAW

HOW TO CONDUCT SUCCESSFUL CONCESSION BARGAINING WITHOUT A STRIKE

One of the most difficult tasks for management to accomplish successfully without conflict often presents itself during economic recessions:

The need to go to a union and request concessions or "give backs". This usually occurs during negotiations upon contract expiration but can also take place during negotiation of an initial contract or even mid-term.

The traditional approach usually involves a request for re-negotiation of wages. This is generally countered by a strike threat. It is clear that this tactic will provoke a confrontation which can lead to extended, negative, and unpredictable results. I have found in over 30 years of experience that utilizing a more thoughtful and strategic approach yields results that are less negative and destructive.

How do you do this?

- 1 First, management must clearly know what it wants and why
- 2 Management must be able to articulate this need in very clear and basic language -- it is important to define the problem
- 3 Be able to demonstrate how the requested concession will actually solve the problem
- 4 Be able to support your position with facts and figures -- provide the union (i.e. its auditor) with complete access to all relevant information; transparency is crucial
- 5 Be prepared to answer the inquiry "...if we give up what you request, when will we get it back?"
- 6 Be prepared to answer the last question in the equation -- "What else will you give us?" This may take the form of some sort of enhanced job security during the term of concessions or something new like implementation of "Gain Sharing"

Julius Steiner is a Senior Principal at Offit Kurman and can be reached at 267.338.1326 or jsteiner@offitkurman.com ■

MOVING YOUR COMPANY FORWARD BY GOING BACK TO BASICS

Management trends come and go and companies today will always need to look at new potential technologies and opportunities for growth. However, in my business and law career I have found that by focusing on the time-tested methods of communication and culture building, you will be able to push organic progress.

Communication, communication, communication (The only three things you need to know about HR management)

- 1 Ultimately, everything can be broken down to one concept...communication; and face-to-face is the best
- 2 Be a leader, not a salesman -- lead by example
- 3 Engage employees by walking around -- you will be surprised at what you hear
- 4 Decide what communication strategy is right for the situation
- 5 Establish avenues for feedback

Live your culture each day

- 1 Embrace good ethical practices
- 2 Demonstrate desired behavior through examples you set
- 3 Calendar tasks and actions that will support the mission, vision, and values of your company
- 4 Get your employees excited about the job they are performing by showing them how their daily tasks contribute to the overall mission of the company
- 5 If you have policies, but don't walk the talk, what you say is going to be meaningless



Julius tours the Gamesa, USA facilities with President Obama

ABOUT THE AUTHOR

Julius M. Steiner is a well known Philadelphia labor attorney with a unique blend of over 30 years experience as a practicing attorney and CEO.

Julius is a frequent lecturer on labor relations and employment law issues, and has authored numerous articles. He also authored the text, *The Arbitration Handbook – A Guide to the Practical and Legal Issues in Labor Arbitration*, published by the Executive Enterprises Publications Co., Inc., a comprehensive text on labor arbitration law which is widely referred to today.

Julius provides counsel to clients on the entire spectrum of human resources management, employment and labor relations issues. During his legal career, Julius has represented major companies of all sizes, some with as many as 60,000 employees, throughout the country in the distribution, transportation, building materials, health care, hospitality, and food processing sectors.

Consistently named as one of Pennsylvania's "Super Lawyers" as listed in both *Philadelphia Magazine* and *Law & Politics Journal*, in its "Pennsylvania Super Lawyers" edition, Julius is a Fellow of the College of Labor and Employment Lawyers, and is listed in "Who's Who in American Law", "Who's Who in the East", and the Legal Elite List by *SmartCEO Magazine*.

Julius is currently a Senior Principal in Offit Kurman's Philadelphia Labor and Employment Law Department. Prior to joining Offit Kurman, he was the CEO of Gamesa, USA, an international wind energy manufacturer.

As profiled in: **Forbes** **The Philadelphia Inquirer** **Inc.** **Los Angeles Times**

This newsletter is provided to inform its readers of labor and employment issues that may affect them or their business. The articles in *Best Practices: Labor Relations & Employment Law* do not constitute legal advice or opinion. If you require more information, legal advice or an opinion regarding a specific situation, please do not hesitate to contact Julius Steiner at (267) 338-1326. This newsletter may contain attorney advertising. *Best Practices: Labor Relations & Employment Law* is a publication of Offit Kurman, PA.

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Offit | Kurman
Attorneys At Law

Philadelphia
1801 Market Street, Floor 23
Philadelphia, PA 19103

Baltimore
8171 Maple Lawn Boulevard, Ste 200
Maple Lawn, MD 20759

Washington
4800 Montgomery Lane, Floor 9
Bethesda, MD 20814