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| **Professional HR Technical Disciplines**  **For Professional Behavioral Core Competencies go to:**  **https://**[**Washington State HR Core Competencies**](https://ofm.wa.gov/state-human-resources/hr-leadership-development/hr-practitioner-development) | | | |
| **Labor Relations** | | | |
| **Definition** | Labor Relations includes establishing and maintaining a healthy relationship with an organization’s labor partners, proper administration of collective bargaining agreements, and fulfilling good faith bargaining obligations as outlined by RCW. | | |
| **Purpose** | This document will provide the framework of knowledge skills and abilities for HR professionals in the discipline of Labor Relations. This tool was designed by Labor Relations experts to be used as a guide to assess skills of our HR professionals and provide a path for acquiring the knowledge, skills and abilities from the entry to senior level of the HR profession.  This document also provides guidance to those who may be involved in recruiting and hiring of HR professionals. | | |
| **Identifying Required Proficiency Levels**  While behavioral indicators are used to help in evaluating performance, proficiency levels describe the level of a discipline required to perform a specific job successfully. These levels relate to the work required for **a specific job**. Different jobs require different levels of proficiency for successful performance. Not all jobs will require the highest level of proficiency and some may not require specific disciplines at all. The proficiency levels outlined below apply to all of the HR Disciplines. | | | |
| **Proficiency Level** | | **Knowledge, Skills & Abilities** | **Development Activities** |
| **Entry**   * Limited or no use of discipline required for the job * Discipline has been minimally demonstrated * May have had limited opportunity to apply the discipline * May have limited understanding of the discipline | | * Be able to articulate what it means to be covered by a collective bargaining agreement * Know the differences of represented, non-rep, WMS, Exempt * Knowledge of CBAs and WACs and who they apply to in the agency * Know how to look up information in a CBA * Know how to look up information in agency policy and WAC 357 * Understand what an exclusive bargaining rep does | * Receive on-the-job training from a higher level labor relations specialist * Reviewing and become familiar with WAC 357, RCW 41.06.010 (Civil Service), and 41.80 (State Collective Bargaining) * Review agency/Higher ed applicable CBAs * Attend CBA training provided by LRS * Complete eLearning components of labor relations training (e.g. skillsoft, Lynda.com) * Attend mediation skills training – DRC * Attend active listening training * Attend an intro to investigations training |
| **Developing**   * Basic understanding or knowledge required for the job * Basic understanding and knowledge sufficient enough to handle routing tasks * Requires some guidance or supervision when applying the discipline * Understands and can discuss terminology and concepts related to the discipline | | * Understand the operating/authorizing environment – what is applicable? CBA, WAC, law, agency policy or multiple when addressing a situation * Be able to find information in a CBA * Understand who PERC is and what their role is * Understand who makes up a bargaining unit and how to look up a bargaining unit description * Understand who can file a grievance and how to process it, who should hear the grievance and timeline tracking. * Understand agency obligation for union information requests * Understand the political landscape that impacts bargaining and labor relations * Be able to articulate just cause and it’s applicability to employer’s actions * Be able to identify sources for union info requests * Understand the management rights clause and the difference between management right (permissive subject) vs mandatory subject of bargaining | * Practice looking up information based on hypothetical scenarios (e.g. John Doe wants to use sick leave to care for his mom – is this permitted and are there limitations? What are the appropriate places to look for answers?) * Review the PERC website and review key decisions – seek guidance from an expert labor relations specialist for key decisions * Review the PERC certifications that establish the agency’s bargaining units * Review the websites of the exclusive bargaining representatives (unions) * Specifically review the Grievance procedure in the CBA * Observe a grievance hearing and review the response * Observe UMCC meetings * Review information (PERC decisions or AAG presentations) about union information requests * Have a get-to-know you meeting with union representatives to begin to develop the relationship. Use the phone to share information (may also follow up in email) to build a personal relationship and build trust. * Attend Labor Relations Roundtable * Attend AWC LRI (this is a really good conference) * Attend LERA * Labor Arbitration Institute * Attend free PERC training on regular bargaining and interest-based bargaining |
| **Independent**   * Detailed knowledge, understanding and application of the discipline required to be successful in the job * Ability to handle non-routine problems and situations * Requires minimal guidance or supervision/works independently * Consistently demonstrates success in the discipline * Capable of assisting others in the application of the discipline | | * Understand the different collective bargaining laws – know what laws apply to your agency bargaining units * Be able to articulate the contract cycle (bargaining and legislative approval) * Ability to read multiple articles in the CBA and understand how they work together * Be able to articulate the role of the union * Able to provide limited advice and consultation for grievance processing * Limited advice and consultation for CBA interpretation * Know when to elevate to chain of command. * Able to advise the employer through step 2 and prepare the grievance response | * Review 41.80 (State), 41.56 (Public entities and WSP) , 41.64 (Ferries), 28B (Higher Ed) * Practice looking up information based on complex hypothetical scenarios – confirm accuracy with a higher level labor relations specialist * Practice looking up any bargaining unit description on the PERC website and interpret and explain who is included and who is excluded. * Engage in phone or in-person conversations with union representatives as often as possible to share information and to continue relationship and trust building. Seek to understand what their interests are rather than what the pre-determined “solutions” are. This may offer more information to finding solutions that work for both sides. * Participate in grievance meetings, provide support to the manager hearing the step and provide consultation, advice and a draft grievance response |
| **Advanced**   * Highly developed knowledge, understanding, and application of the discipline required to be successful in the job and organization (total mastery) * Can apply knowledge outside the scope of one’s position * Is able to coach or teach others on the discipline * Has a long-term perspective   Helps develop materials and resources in the discipline | | * Be able to articulate what the union goals are for its members (maintain BU work, maintain BU membership, advocacy, etc.) * Understand bargaining unit exclusions * Provide consultation to supervisors and managers for advanced or complex labor situations. * Be able to articulate the grounds and provide consultation to avoid an unfair labor practice (regressive bargaining, direct dealing, etc.) * Be able to provide input into bargaining strategy * Be able to articulate mandatory subjects and consult with managers when they need to provide notice for bargaining * Know what past practice means * Understand the impact of creating a past practice with a statewide CBA * Highly involved in grievance processing and consultation to decision making. * Active participant in DTBs or UMCCs – be able to articulate management’s position or strategize solutions * Ability to discuss with the union details of their information requests. Such as timeline expectations, reasonableness, availability of information and an overarching understanding of why the union is requesting this info. Know when an information request is not appropriate and should be submitted as a public disclosure request. * Ability to discern when to contact LRS for statewide labor issues. Basically, known when to run something up the LR chain of command (AAG and LRS). * Be able to define how a past practice is created and identify examples of past practices within the agency | * Participate with delegate for step 3 grievance hearings, draft the response * Participate with agency delegate to PARMs with OFM/LRS * Attend mediations * Work closely with AAG responding to ULP complaints * Perform internal research to develop an understanding of agency practices. * Develop and deliver training to agency management and supervisors on labor relations 101, collective bargaining agreement training, just cause training * Provide support to agency management during DTBs – perform necessary research, gather data and documents * Attend training with FMCS – Negotiation Skills (includes IBB) * Attend PMMs * Attend agency arbitration hearings |
| **Expert**   * Specialist/Authority level knowledge, understanding, and application of the discipline required to be successful in the job * Recognized by others as an expert in the discipline and is sought out by others throughout the organization (expert in the area) * Works across team, department, and organizational functions * Applies skills across multiple projects or functions * Able to explain issues in relation to broader organizational issues * Creates new applications or processes * Has a strategic focus | | * Ability to consult with agency leadership about labor relations issues * Ability to set strategic LR approach and make decisions or provide significant input on agency decision affecting represented employees * Be able to strategize bargaining approach for mandatory subjects bargaining, e.g. discuss with management options to mitigate impacts to avoid impasse at the bargaining table. * Understand interests of both union and employer * Use effective techniques to build relationships and trust for effective labor relations. * Understands the importance of frequent communication with the union. * Know all of the elements of your CBAs to ensure compliance and that past practices are not created. * Be aware of items that you cannot negotiate because they have been established as contract language and would require an MOU to change * Act as coordinator between AAG, LRS and any other agency contacts to determine statewide impact and agency direction. * Step 3 delegate for grievance process. Issues decisions that are well researched and thorough. * Understand two-tract process (union and employee) when considering contracting out agency services. * Participate in statewide bargaining. Chair UMCCs with the union if necessary. * Global perspective on labor relations, rather than transactional perspective. * Negotiate information requests with the union when unreasonable or not relevant for bargaining or grievance purposes. * Ability to gather and process union information requests and provide it during statewide negotiations in a format that is easily discerned and logical. | * Consult with agency leadership about labor relations issues and strategic approach * Consult with agency leadership about collective bargaining strategies for biennial bargaining process. * Analyze changes in CBA language and impact on agency practices or procedures. * Meet and discuss ongoing labor relations issues with union representatives 1x1 on a regular basis to keep communication ongoing * Discern and bring issues to management when discovered through communications with union reps * Attempt to resolve grievances informally before filings * Act as delegate on step 3 grievance hearings and author responses * Act as delegate for agency PARMs * Mentor less senior labor relations specialists * Attend agency arbitration hearings and provide support to AAG/LRS in preparation for hearings |
| **Recruitment & Selection**  **Specific EXAMPLES of recruiting methodologies for this discipline include performance-based and behavioral-based panel interview questions, problem solving examples, standard reference checking forms, and a reference checking strategy that is aligned to the panel interview questions so that the hiring manager can verify the information shared.**  **The questions can be re-worded to reflect your personal communication style, however, it is not recommended that you make them “easier”. The sub-bullets under each question allow the interviewers to see how the candidate thinks and how deep a candidate’s actual experience is along with how well they communicate it. It also aids interviewers to stay away from “philosophical” questions and answers and instead draw upon each candidate’s actual experience and skill.**  **It is recommended to provide each candidate the panel interview questions 30 minutes prior to the interview in order to allow the candidates to gather their thoughts. Candidates should not be allowed to leave with the questions after the interview.**  **HR hiring managers can find samples of panel interview and reference check questions for the HR professional core behaviors in the desk aides developed for each of the 7 competencies housed on the same State HR site. It is recommended that a combination of professional core behavioral questions and technical interview questions be asked (50/50).**  **Agencies continue to have the discretion to use agency- developed questions if they best suit their business need. The questions below are designed by proficiency level (entry to expert).** | | | |
| **Examples of technical interview questions:**  **Questions Appropriate for any level of Proficiency**   1. Roles in labor relations can function in settings where there is low trust or a lack of shared goals.  * Please provide a specific example where you worked in such a setting. * What actions did you take to engender a more collaborative atmosphere? * How did your actions demonstrate an intention to cultivate trust in not only yourself, but in the organization or leadership you represented? * What was the outcome?  1. Labor Relations work can involve addressing conflicting viewpoints which can result in you being the object of hostility by employees, bargaining unit representatives, or even management.  * Describe a time, ideally in a labor relations context, when someone or a group strongly disagreed with a position you took. * What specific steps did you take to address the situation? What rationale prompted those actions? * What was the outcome? * How would you address it differently if you were to face a similar situation again?   **Entry Proficiency**   1. Please take a few moments to tell us about yourself and tell us why you are specifically interested in this labor relations position. In your response, please describe the work you’ve done that is most comparable to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (insert 1 or 2 key duties listed in the position description.)  * We would also like you to include some of your work- style strengths in your answer along with how you think they would help you to be successful in this role.  1. What are the responsibilities of the job you feel most prepared for? Least prepared for? What steps will you take to prepare for those responsibilities you currently feel less prepared for? 2. Can you tell us about a time when you had to follow a civil service rule(s) or collective bargaining article(s) in order to solve a labor relations problem that represents some of your best work? Please be specific about the situation along with your role.  * What was the biggest challenge you had to overcome? * Could you give us an example of helping (or coaching) others in this situation? * How did things turn out?  1. Please share with us your HR experience administering, managing, or consulting on protected leave\* in a collective bargaining environment?  * In your opinion, what HR technical skills are needed in order to be successful at performing these tasks? * What areas concerning protected leave do you believe are the most challenging to manage? Why? * What learning or development do you believe you need in this area?   \*You can replace “protected leave” with “attendance and absenteeism” or another LR issue that is common to your agency.   1. Can you share with us your professional experience administering or consulting on wage and hour law?  * In your opinion, what HR knowledge and skills are needed? * Can you tell us about the most challenging wage and hour law issue you were involved with? Please be specific about the situation along with your role. * Provide details of what went wrong and how you overcame it. * How did things turn out?   **Developing Proficiency**   1. Can you share with us your professional experience involving the grievance process? Please outline for us the specific situations you’ve been involved with including the various duties, tasks, or steps you’ve performed independently and/ or assisted with.  * What HR technical skills were needed to accomplish the above mentioned duties or tasks? What skills were learned as a result of being involved with the grievance process? * What do you like most about this type of work? * What do you like least about this type of work?  1. Can you share a recent grievance-related situation at work that you are proud of the outcome that you believe represents some of your best work in this area?  * What was the situation along with your role? * What was the biggest challenge you had to overcome? * Can you give us an example where you had to take the initiative? Why? * How did things turn out?  1. Can you outline for us your experience as a HR professional working with bargaining unit representatives such as shop stewards and/or paid union representatives working on labor relations issues? Please outline for us the specific situations you’ve been involved with along with your role.  * Could you detail for us the various duties and tasks you’ve performed independently and/ or assisted with as a result of these situations? * Can you share with us a recent situation involving a union representative that you are proud of that you believe represents some of your best work?  1. Can you share an interaction with a union representative, where in hindsight, you wished you would have handled differently? Please describe the situation along with your role.  * What was the conflict or challenge that you faced? Who was it with (no names please\*) and how did you attempt to resolve it? * What would you do differently if you could? * How did things turn out?   \*You could choose not to include the words in brackets in order to see if the candidate discloses confidential information such as people’s names.   1. How has exclusive representation impacted the HR work you’ve done to-date? What do you believe are the differences between represented and non-represented workers?  * Can you outline how these differences impacted the HR processes you’ve administered?   **Independent Proficiency**   1. There are very few areas where you, as the HR Consultant, will be the decision maker. Our job is often to consult, provide advice, and guide decision makers to make better decisions for the organization (decisions could include mitigating risk). Please describe a situation where you were able to successfully influence a decision maker to follow your advice.  * Please describe the approach you took along with why you chose that approach. * Did you have to influence or persuade others to change their opinion in this situation? How? * What do you like the most and least about the role of a HR consultant?  1. Please share a recent situation in which your assessment of risks related to particular articles of your agency’s collective bargaining agreement (CBA) helped your agency make a wise decision.  * Could you provide a quick overview of the situation along with your role? * What methods did you use to assess the risks? * What was the biggest conflict that you faced? Who was it with? (no names please\*) How did you resolve it? * Overall, how did things turn out?   \*You could choose not to include the words in brackets in order to see if the candidate discloses confidential information such as people’s names.   1. This position provides advice and consultation regarding day-to-day labor relation issues by interpreting and influencing compliance with master bargaining agreements, personnel rules, labor relations laws, rules, and procedures, and agency policies and procedures. With this in mind, can you provide us with a recent accomplishment that is most comparable that you believe represents some of your best work?  * Please briefly describe the situation along with your role. * What were the biggest challenges you faced? * Can you provide an example where you had to influence or persuade others to change their opinions? * Can you provide an example of helping or coaching others in this situation? * How did things turn out?  1. With the ever-changing makeup of today’s workforce, please share with us a time where you consulted to resolve a situation that you believe was motivated by a lack of workplace inclusivity and/or respect in the work environment.  * Please briefly describe the situation along with your role. * What was the biggest challenge you had to overcome? * Can you provide an example where you had to influence or persuade others to change their approach and/or modify their behavior in the workplace? * Can you provide an example of helping or coaching others in this situation? * How did things turn out?  1. Optional Activity: Draft a simple grievance response after given a sample scenario.   **Senior and Advanced Proficiency**   1. Can you tell us about a time when you had to assess and develop a decision to support/not support recommendations on a formal disciplinary action to your Personnel Manager and/or HR Manager/ Director that you believe represents some of your best work?  * (Using no personal identifying information\*), please briefly describe the situation along with your role. * Please describe the assessment process, your role in it, and whether or not you were able to complete it with clear information. * How did things turn out?   \*You could choose not to include the words in brackets in order to see if the candidate discloses confidential information such as people’s names.   1. What was the toughest disciplinary action you’ve been involved with?  * What were 1 or 2 big challenges you had to overcome in order to complete a thorough assessment of the situation? * What was the toughest decision you had to make? How did you make it? Was it the right decision? Would you make it differently if you could? * How did things turn out?  1. Can you tell us about a time when either a supervisor or an employee misunderstood an article in the contract (collective bargaining agreement) and the union supported their opinion?  * What was the situation along with your role? * What specific steps did you take to address the situation? What rationale prompted those actions? * What was the outcome? * What would you do differently if you were to face a similar situation again?   **Expert Proficiency**   1. This position will represent (agency/ division name) at critical meetings and presentations with agency executives, (provide 1 or 2 examples of the usual internal and /or external key partners (such as union representatives) the position interfaces with) and similar entities. Can you share with us your professional experience in this area?  * Please briefly describe the situation along with your role. * What did you like most and least about the situation? * How did things turn out?  1. Please provide a specific example when you advised or collaborated with senior executives on workplace policy or strategy decisions. (You can also name a specific policy you know needs to be written or updated within your agency)  * Please briefly describe the situation along with your role. * What were the **key factors** considered in your recommendation(s)? * What was the ultimate outcome? Would you be willing to share a copy of the policy as follow up to this interview?  1. This position represents the agency at both pre-arbitration review meetings (PARMs) and mediations typically dealing with issues that have the potential for high liability risk for the agency. Advice and interpretation of the master agreement must take into account the impacts on the management of human resources in over 30 other state agencies that are subject to the same agreements. With this in mind, can you share a recent situation involving resolving a grievance or mediation that you believe represents some of your best work?  * Please briefly describe the situation along with your role? (No names please\*). * Describe the assessment and/or planning process, your role in it, and whether the plan was met. Provide details of what went wrong and how you overcame them. * Can you provide an example where you had to use influence or persuasion to change outcomes? * What were the key factors in your recommendation? * How did things turn out?   \* You could choose not to include the words in brackets in order to see if the candidate discloses confidential information such as people’s names.   1. This position represents the agency at both arbitration hearings and unfair labor practices. Advice and interpretation of the master agreement must take into account the impacts on the management of human resources in over 30 other state agencies that are subject to the same agreements. With this in mind, can you share a recent situation involving an arbitration hearing and ULP that you believe represents some of your best work?  * Please describe the situation along with your role. (No names please\*) * Describe the assessment and/ or planning process, your role in it, and whether the plan was met. Provide details of any challenges and how you overcame them. * What labor relations knowledge and skill were needed to make progress? * How did things turn out?   \* You could choose not to include the words in brackets in order to see if the candidate discloses confidential information such as people’s names.   1. Have you ever been involved in a bargaining process?  * Please briefly describe the situation along with your role. Please be specific about the contract terms that were at an impasse. * Could you provide some examples of where you had to influence or persuade others to change their opinion in this situation? * What were the actual results obtained? * Overall, how does interest arbitration impact your negotiation strategy?   **Job-specific problem-solving exercise (can be used at any proficiency level)**   1. Use a real work related problem you are trying to solve (ex: do you need to streamline a process, increase participation in a survey, improve relations with the union, improve relations with a particular division or manager etc.?) 2. Give a **brief** background on your job related problem. Ask "If you were to get this job, how would you go about solving..." Candidate may ask clarifying questions.    1. Try to continue a dialogue between you and the candidate. Turn off the spot lights and talk **real work** when you ask this question. The key here is to get into a give and take discussion about a realistic job problem - consider this more of a dialogue between you and the candidate, **and let them lead.** 3. The use of this problem solving technique during the screening process also gives insight into the candidate’s creative thinking, how they would handle team brainstorming, and how they would tackle certain challenges that you know they will have to meet if they get the job.   **Examples of reference check questions:**  **Past performance is a SIGNIFICANT indicator for future behavior.**  **Approach 1:** For ease of adoption/use, attached are 2 examples of reference check forms used by 2 different agencies with representation on the HR Development Committee. Agencies have the ability to choose between the forms however, once a form is chosen, the committee recommends that the same form be used on all reference checks associated with the open position.   |  |  | | --- | --- | | Sample Reference Check from the Employment Security Department |  | | Sample Reference Check from the Department of Ecology |  |   **Reference Check Document Instructions:** It is our recommendation that you ask every question on the form(s). Some questions may seem redundant however they inquire about similar behaviors differently to attempt to confirm and establish behavior patterns by candidate. If you choose to modify or shorten the form, please use the same shortened or modified form for every reference check including if you do reference checks on more than 1 candidate. Please review the entire form before making a reference call. You may need to have the position description in front of you while making these calls. Please take notes after each question. This document has been provided for you in word so that you can expand the white spacing under each question for your notes. We recommend that you write the candidates first name in each blank space provided **BEFORE** making the call. It will make the reference check experience more personable and professional.  Reference check information should have a significant impact on which candidate you decide to offer the position to. We recommend that 3 formal references (references listed on the candidate’s employment application) are completed and 2 informal references (an informal reference is someone who was not included in the application materials, but who has direct experience with the candidate's work. Past supervisors, co-workers, customers, direct reports, and business partners can all be informal references) for every top candidate.  It is not necessary that the Hiring Manager make these calls or that the same people make these calls for a particular opening- just the same form is used and administered as thoroughly as possible for every top candidate.  **Approach 2: Modify Interview Questions to Reference Check Questions**  Another approach to reference checks is taking any of the above interview questions, by proficiency level, and adapting their use for reference checking. Examples are provided below in order to explain the strategy. The benefit of using this approach is that it is very much tied to verifying the information obtained during the interview process. Questions like these can be added in the “technical competency” question section on the Ecology form attached above. The Hiring Manager can use any of the interview panel questions used in the current hiring process as they proceed.  Example Interview Questions:  Example 1 from interview question #3 from the Developing Proficiency level:  Can you outline for us your experience as a HR professional working with bargaining unit representatives such as shop stewards and/or paid union representatives working on labor relations issues? Please outline for us the specific situations you’ve been involved with along with your role.   * Could you detail for us the various duties and tasks you’ve performed independently and/ or assisted with as a result of these situations? * Can you share with us a recent situation involving a union representative that you are proud of that you believe represents some of your best work?   **Adapted reference check question**:  We are hiring a human resource consultant who will be working with bargaining unit representatives such as shop stewards and/or paid union representatives working on labor relations issues. Can you tell us about the various labor relations duties and tasks that (candidate’s name) has performed independently? Can you share a recent situation where you observed (candidate’s name) that you think represents some of their best work with labor relations issues?  **From question # 5 on the expert proficiency level**   1. Have you ever been involved in a bargaining process?  * Please briefly describe the situation along with your role. Please be specific about the contract terms that were at an impasse. * Could you provide some examples of where you had to influence or persuade others to change their opinion in this situation? * What were the actual results obtained? * Overall, how does interest arbitration impact your negotiation strategy?   **Adapted reference check question**:  Can you share with me how (candidate’s name) was involved in the bargaining process at your agency? Could you provide an example where you observed them influencing or persuading others to change their opinion on a contract term? Can you share with me an example where interest arbitration impacted their negotiation strategy?  **How to obtain references from the private sector**  Standard practice in the private sector is for HR to only confirm their employee's dates of service, title, and possibly compensation. Most will be looking for a release signed by the employee in order to give any information. Because of this, it is really important that your request be over the phone instead of via email.  Make sure you understand the culture of the company from the candidate's perspective, and how the company looks upon employees who are looking for other work while still employed. It is common in the private sector for employees to not want to give notice regarding an active job search to their supervisor due to repercussions. We shouldn't look at this as a "red flag" for the candidate.  **Recommended Steps:**  Ensure that the candidate has spoken to them first.  Call them on the phone: do not email to set up an appointment.  Be friendly and ask if it's a good time to talk.  Let them know we have the candidate's written authorization to obtain the reference.  Because of the liability associated with being a reference for a current employee, ask them if they would be willing to be a personal reference and not represent the company they work for. Let them know we have authorization from the candidate and ask if they would like a copy of the authorization form. Also let them know this will be a verbal exchange, and nothing will be in writing.  References can be 360 degrees- supervisors, peers, direct reports, customers, suppliers, business partners...  As a last resort, if you can't get the employer to provide meaningful reference checks, ask for the candidate to bring in copies of their last performance review. This should be easy for them to get.  **Bottom line:** It is the candidate's responsibility to get the professional references as part of the application/ hiring process. | | | |