

Interest-Based Negotiations:

A Good Outcome

1. Is better than our BATNA (Best Alternative To a Negotiated Agreement).
2. Satisfies *interests*
Our interests, Well
Theirs Acceptably
Third Parties' Tolerably
→ Sufficient to
be Durable
3. Is one of the better *options* we invented through brainstorming and reconciling our interests
4. Is based on *legitimate* standards that “ought” to govern an agreement.
5. Contains *commitments* which are well-planned, realistic and operational.
6. Was achieved through a process of effective *communication* (unambiguous speaking and active listening).
7. Resulted from a process which helped to build the kind of *relationship* we want.

Checklist For A Settlement Agreement

1. Mary will be reinstated to Econ's ___ plant as of ___ on the ___ shift at a rate of pay of \$ ___ as a ___ operator, provided that ___.
2. Mary will receive back pay of \$ _____.
3. Mary will receive front pay of \$ _____.
4. Compensatory damages: \$ _____.
5. Punitive damages: \$ _____.
6. Interim earnings deduction: \$ _____.
7. Attorney fees: \$ _____.
8. Taxation: _____.
9. Health Coverage: _____.
10. 401(k)/Pension credit: _____.
11. Social Security credit: _____.
12. Outplacement: _____.

13. **Reference:** _____.
14. **Non-disparagement:** _____.
15. **Re-employment:** _____.
16. **Written warning in Mary's personnel file:** _____.
17. **John Jump (supervisor and harasser):** _____.
18. **The National Organization for Women (NOW):** _____.
19. **Workplace harassment policy:** _____.
20. **Workplace harassment training:** _____.
21. **Policy on consensual relationships:** _____.
22. **Confidentiality of Settlement Agreement:** _____.
23. **Confidentiality of proprietary information:** _____.
24. **Settlement and Release of Claims Agreement:** _____.
25. **Resolution of future disputes at Econ:** _____.