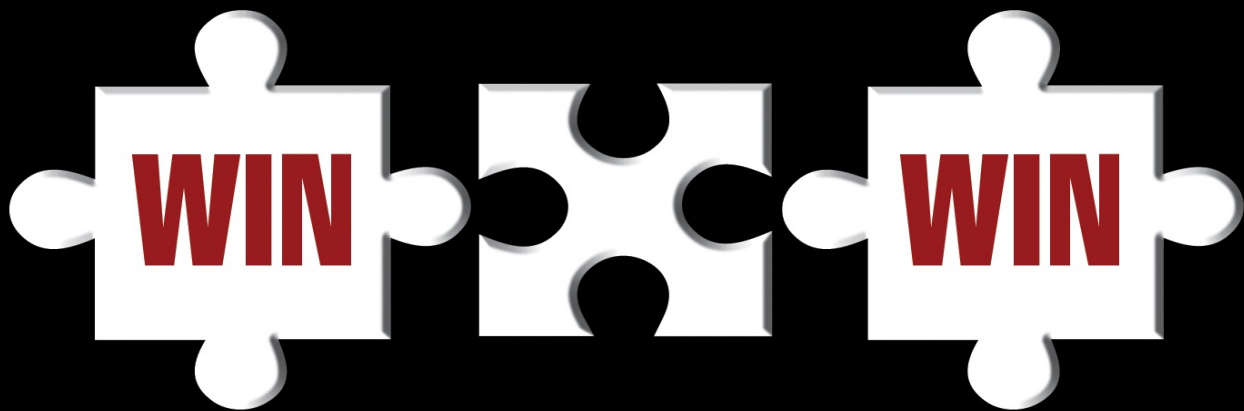
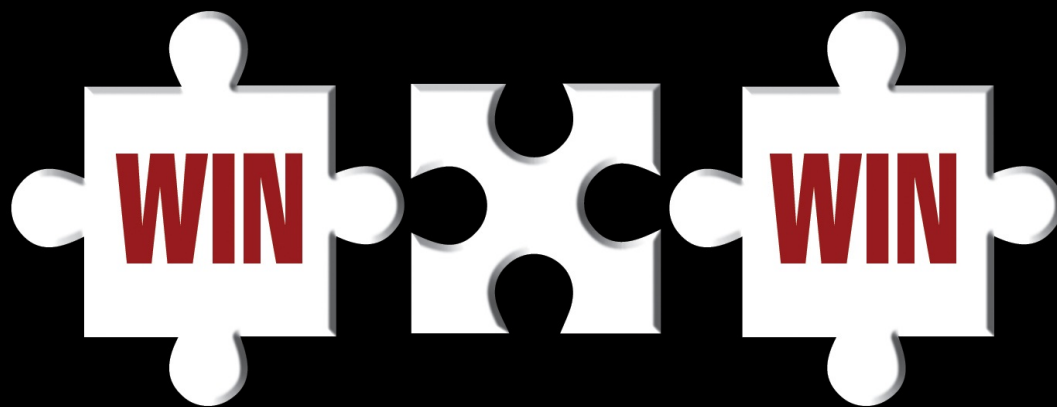


GO FOR IT... MASTERING NEGOTIATIONS



SHARON M. WEINSTEIN
AND STEPHEN WEINSTEIN

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SHARON M. WEINSTEIN
AND STEPHEN WEINSTEIN

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**Hewlett-Packard
Company**

Go for It...

Mastering Negotiation

Go for It...

Mastering negotiations

Sharon M. Weinstein

Stephen Weinstein

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Dedication

Negotiations are a fact of life...they occur at every level from
home to work, from childhood to adulthood. When we are open
to learning, we can learn the most from those nearest and
dearest to us...our children! Go for It...Mastering negotiations
is dedicated to our children!

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three brilliant negotiators bring a wealth of experience to the table; individually, they have negotiated employment packages, benefits, academic appointments, and criminal and civil cases. They understand human behavior and the goal of an all-win outcome!

Introduction

Masters at negotiation, the authors share their years of firsthand experience in negotiating for the all-win outcome. Sharon learned negotiations with Ministers of Health and Education in countries throughout Eastern Europe, and C-Suite leaders worldwide. In negotiating strategy that would benefit all parties, she mastered the fine art of negotiating for leadership and keeping her cool under pressure. Stephen, a hospital turnaround specialist, mastered the art of the deal by making financially compromised hospitals cash-flow profitable. With limited resources, and without compromising quality, he turned failures into successes.

An understanding of both sides of the aisle or ocean is essential to one's negotiating and leadership success. Agreements and relationships are critical in today's global business environment. In this book, you will gain the negotiation strategies needed to handle difficult people, manage conflict, and pick your battles. Preparation is the key to feeling confident and ready to create an all-win outcome. In this tell-all approach to negotiations, the reader will learn how voice, body language, eye contact, and

yes,

personality,

affect

behaviors,

outcomes,

and

communication. From Main Street to Wall Street, **Go for It**

engages the reader in mastering the negotiation.

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Chapter 1

Negotiation 101

EACH OF US

We are all negotiators – each and every day of our lives.

The term “101” is consistent with the basics, and a natural starting point, regardless of skill level.

What is negotiation? A practical definition could be

"Negotiation is being able to make the other person an offer or proposal that they would find more attractive than their next best alternative, or perhaps something they cannot refuse."

Some consider negotiation the art of deal-making. It is certainly that; it is sharing with others the merits of your offer or proposal. Negotiation is nothing more than communication with different starting positions. Knowing what those positions are, and understanding the people who hold them as opposed to making assumptions about who they are, is how we get to a good resolution.

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To negotiate successfully, we must *begin with the end in mind*. Advance planning is a must do! The process is simple, but each step is critical to the outcome.

1.

Know the why

2. Be prepared

3.

Follow the tips and understand the rationale

4. Know your common ground

5.

Open with your case; this demonstrates confidence

6.

Listen actively

7.

Support your case with facts

8.

Explore agreement and disagreement, and understand

the possibilities

9.

Indicate your readiness to work together

10. Know your options

11. Advance to closure by confirming the details

12. Make it happen

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CONSIDER THESE TIPS AND RATIONALE

Tip

Rationale

Know what you are willing You will be empowered in support of

to accept and be honest your interests.

about your requirements

Your listener will recognize your

confidence level.

Do not disclose what you This will compromise your negotiating
are willing to accept in power.

terms

of

salary

or

conditions. Have a deal-

breaker in mind, i.e., lack

of flexibility in hours.

Determine what the other It is better to know the alternatives up-
party is willing to accept.

front than to second-guess.

Be an active listener, like a Assume there are things about the
student.

situation that you don't understand.

Let the other party know that you have

heard and understood what has been

said.

Whether it is a business or personal negotiation, you must have
a goal! Let's begin with the most basic transaction.

LET'S BUY A CAR

We have each, at one time or another purchased an automobile.

Maybe, like an informed healthcare consumer, you have

searched the web, you know the value of the car you want, you

have checked the apps online that share the current value – and you are prepared for the encounter with the new or used car salesperson.

3

Historically, car dealers take a bad ride – no pun intended.

Let's face it; their reputations are not stellar. The consumer often thinks that they are being taken advantage of, and that they will leave, with or without the car, an unhappy camper.

You see the 'come-on' ad in the newspaper or on TV; of course, the car offered at that fantastic price is the basic model. If you want heated seats, navigation, parking assistance and more – you will pay more for the 'options.'

Yes, it does seem as if everything and anything is a possible option. The model that you saw on the showroom floor is loaded with options, and the car that you take for a test drive may also be loaded with options. You level with the salesman, sharing what you must have, as well as what you would like to have, and he or she offers a price. Of course, the price is much more than you intended to spend, even though you initially shared a budget.

You strategically change your list; perhaps those must-haves are not as essential after all, and perhaps you can settle.

Again, you are offered a price, and again, the sales person will discuss it with the financial manager to ensure that the price is 'final' and the 'best that they can do.' After all, they are

barely making a penny on the sale! You are not the new kid on the block. You have been buying cars since before Joe Salesman was born.

4

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You have been around the block, and more importantly, you are not afraid to walk away from the offer and the deal.

What did the salesman fail to do?

- Listen
- Communicate
- Be honest
- Trust
- Respect
- Understand
- Affirm
- Believe

The salesman made multiple mistakes, beginning with a misunderstanding of basic negotiations.

A SICK DAY WITH AN UN-SICK CHILD!

Tyler doesn't feel well today, or so he says. Is it because he was up all night vomiting, did not get sufficient sleep, or because there is a test today and he is unprepared? In order to negotiate the outcome, you must first know the facts, the goals, and the results that will represent an all-win.

5

Start with WHY? Why does he think that he is sick? Was he actually vomiting? Is he feverish or sleep-deprived? Did he finish his homework or not? Most kids are not as sophisticated as Ferris Bueller, who really worked his parents to get a day off.

Some kids fake sick because they're tired of homework; some kids fake sick because they're being bullied; and sometimes, kids just need a break, just like adults.

How do you know the truth? You come to the negotiation prepared with the following tools:

- Check temperature
- Ask about symptoms
- Listen, look, and feel for signs of vomiting

You get the picture, and we'll elaborate on it later in Chapter 5 when we discuss relationships.

These are just two examples of negotiation at the basic level – level 101, and where you will begin!

In order to proceed, you must first have a sense of self. You must explore why we are all different, and what those differences mean when we are collaborating, implementing, and negotiating. Let's examine what makes us unique.

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Chapter 2

Self Awareness

WE ARE DIFFERENT

We are all different; our styles differ, our personalities differ, and our outcomes differ. Each of us gets from point A to point B in our own way. Our upbringing, education, mindset, attitude...and yes, our personalities, have a direct effect on our outcomes. People negotiate differently and behave differently during the negotiation process.

At the core of the process is The Myers-Briggs Type Indicator (MBTI). MBTI is a series of questions based on psychology. By responding to the questions, people can learn about the choices they make and their world views. By answering the MBTI questions, people are placed in one of sixteen groups. There are no rights and wrongs; each of us brings different skill sets and gifts to the table and each of us of value.

7

THE 8 LETTERS

How do we get from 8 letters to 16 personality types? Each type has 4 different letters generating a total of 16 personality types.

Although you may lean in a specific direction, you may also be a combination of types. Let's examine what each letter represents.

You have heard the terms extrovert and introvert. Perhaps you think of yourself as an extrovert (E), more outgoing at social

events, getting your energies from others. Or, perhaps you

consider yourself an introvert (I), gaining energy from within.

Again, one is not better than the other; extroverts are not always

loud and introverts are not always quiet. Introverts may enjoy

social gatherings, and extroverts sometimes need down time.

Let's look more closely...

Extrovert (E)

Introvert (I)

Gains energy from others

Gains energy from within

Speaks for clarification

Thinks for clarification

Seen as easy to know

Seen as difficult to get to know

Work well with others

Works well alone

Has varied relationships

Has few close relationships

Interaction

Concentration

Makes decisions quickly

Self-reflective

8

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Let's examine intuitive (N) and sensing (S). In this case, the

letters express how we consume information. Those who are intuitive take in information and understand it, through patterns, impressions, and possibilities. On the contrary, those who are sensing use their five senses and facts.

Intuitive (N)

Sensing (S)

Process through patterns

Process through the five senses

Futuristic

Thinks in the present

Abstract thinker

Concrete thinker

Sees a bigger picture

Notices the details

Idealistic

Practical

Theoretical

Fact-based

Gathers information from Gathers information from what

underlying patterns

they see, touch, feel

Now, let's switch gears to feeling (F) and thinking (T). Do you

make decisions based on feelings and values, or on facts? Do

you use your heart or your head in the decision-making

process? Everyone will have traits of both in different

situations; this is about your inclination and not about an

absolute!

Feeling (F)

Thinking (T)

Decides with the heart

Decides with the head

Feelings-based

Logic-based

Driven by emotion

Driven by fact/thought

Empathic

Critical

Prioritizes relationships

Prioritizes truth

Personalizes remarks

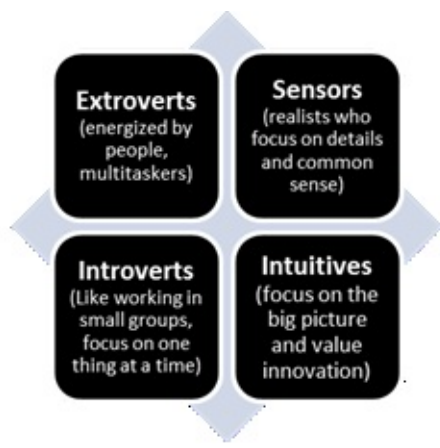
Not easily upset by remarks

Passionate

Rational

Personal

Impersonal



What are the final two letters? They are perceiving (P) and judging (J), and they are about preference! Perceivers prefer an open-ended world and are sometimes more spontaneous.

Judgers prefer more structure and control.

Perceiving (P)

Judging (J)

Many incomplete irons in the Prefers to finish one thing
fire

before beginning another

Options remain open

Moves toward closure

Flexible

Structured

Spontaneous

Plans prior to doing

Less organized

More organized

Relaxed

Controlling

May procrastinate

Responsible and decisive

May change midway

Sticks to the plan

Use the descriptions above and the diagrams below to identify the keys to your personality.

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What, and who, are you?

In a former position, our entire workforce was required to take Myers Briggs to determine personality styles and to acknowledge who would make a good workgroup partner. Our results were posted on our office or cubicle doors to facilitate workflow and planning.

THE OUTCOMES

Although it is an unusual outcome, I came up an even 25% in each of the 4 categories, and could get along with anyone and complete any job on time. My husband varied his responses and thus his outcomes – testing the test and his personality style.

He, too, could work with anyone – as a result of manipulating the responses based upon the time and day of the week. His

approach was unintentional – or was it?

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Why MBTI and what will you glean from the experience?

1. When used correctly, you will understand all types
2. You know that you are not alone
3. You have an objective way of viewing co-workers
4. You understand the energy cycle
5. You can use your preferences to find your strengths.

Now that we know who we are, we can discover how behavior, appearance, voice, and body language affect negotiations.

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Chapter 3

Optimizing Style

BEHAVIOR/APPEARANCE

How we act, what we say, and our body language...these factors affect our ability to be heard, to communicate, and to negotiate. People skills can make the difference between win, lose, and all-win!

Let's begin with behavior

Attitude can and will affect outcomes. Your counterpart can and will observe your behavior and make assumptions based upon perception. Think about the election process in your country and what the behaviors of the candidates during debate tell you about the person.

What can you do to enhance awareness of and commitment to the best negotiating behaviors?

1. Be aware of your own attitude
2. Listen to the other party; concentrate on active listening and a complete awareness of what he or she is saying (this is why you have two ears and a single mouth)
3. Be patient; patience sometimes frustrates the other party who is eager to move on

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4.

Be focused on the outcome – satisfaction for the other party equates to feeling fulfilled, whether or not it was what

he wanted

5.

Think, “If you, then I...” In a two-party negotiation, each party must be willing to make concessions

6.

Don’t be afraid to walk away; know your BATNA (see Chapter 7)

Appearance

As speakers or those addressing audiences, we assess the type of audience; we ask questions to familiarize ourselves with the setting, the expected attire, and the venue. As negotiators, we do the same. We want to be familiar with the style, the attire, the mood, the location. Remember that first impressions count!

NOW, WE TURN TO VOICE

You hear parents tell their children to, “Use your words.” As adults, do we “use our own words?” Think before you speak and choose relevant words. Think about your tone, quality, dialect, grammar, and purpose. Modulate and change the tempo, volume, and emphasis. Pause as needed, and paraphrase to ensure understanding. Breathe from your lower abdomen.

Avoid the following:

- Foul language
- Rudeness

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- Disrespectful tone
- Stammering
- Hesitation
- Argumentation

FINALLY, BODY LANGUAGE

What is your body language revealing about you; what are you telling your audience? View the body in four quadrants:

Quadrant**Response****Face and head**

The doorway to the heart and soul

Body

Leaning-in,
positioning,
stance, posture

Hands

Voluntary
(confident)
or
involuntary
(lack
of

confidence) movements

Legs

Uncrossed

(denotes

trustworthiness); feet flat on

floor (positive signal)

Body language is a critical business tool. Now that you are

familiar with the quadrants, let's put them to use with these

body-language tips:

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Action

Why

Nod your head

Creates

alignment

by

maintaining

eye

contact;

defuses tension

Mirror the action

Suggests

engagement

by

adopting the other person's

behavior - lean-in, lean-out and

more

Mind your hands

Exudes confidence by placing

them just below your chest

with fingers together

Mind your feet

Shows resolve by planting

them firmly on the ground

Relax the body and assume Builds trust

an open posture

Smile

Demonstrates calm confidence

Maintain eye contact

Shows engagement

Style has been mastered, and we are ready, with calm

confidence, to explore the role of stress and negotiations.

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Chapter 4

Stress and Negotiations

Stress plays a significant role in our ability to be well, stay well, and function within our busy lives. It can also affect our ability to negotiate for such things as workplace balance. One of the greatest stressors we face is the need to negotiate within the workplace. Let's consider 'balance.'

NEGOTIATING FOR WORKPLACE BALANCE

"Life is like riding a bike. It is impossible to maintain your balance while standing still." – Linda Brakeall

Tired – overworked – emotionally and physically drained? Are your aging parents challenged, or is your young child ill? Is your partner out of work, or overworked? If any of these scenarios describe you, you may be in need of balance. If you know your skills, abilities, and performance record are strong and valued, you have a solid footing for negotiating flexible work arrangements.

In *B is for Balance, 12 Steps*, the author tells us that good employers recognize the value of good employees, and they are often willing and able to find or create ways to help current employees deal with short-term or permanent changes caused by family situations. The changes can include flextime, job-sharing, telecommuting, or part-time employment.

balance...and it is tantamount to avoiding workplace burnout.

BURNOUT

If you are a busy person with a demanding job and family and friends who seek your attention, you are blessed, but only if you can handle it. If you are an entrepreneur, or if you work from your home, that can be an additional benefit because you can have some control over your schedule and integrate your work and personal life. However, some of the busiest people feel guilty regardless of what they are doing. Is that you?’

We can prevent burnout by following the advice of experts and those who have been there themselves. The main point they make is that we benefit greatly by maintaining clear boundaries between our work lives and our personal lives.

Think of ways in which you can prevent burnout in your work environment:

- 1.
- 2.
- 3.
- 4.
- 5.

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ESTABLISHING CLEAR BOUNDARIES

When your work and personal life blend together under the guise of “multitasking,” then both the work and your personal

life suffer. When you are at work...focus on the job to be done.

When you are finished with work, don't bring it home with you – make time for your personal life. If your work materials are dispersed throughout nearly every room of your house, then you have no place for a real retreat. If you're always talking on the cell phone or checking your e-mail while you're with a friend or family member, your time with that person is not as high quality. Take time to focus exclusively on that person for a while, then you will remember that experience when you're working and you won't feel guilty that you have to concentrate on work. Create really high quality work and personal experiences for yourself by keeping them separate.

Create a designated work area at home

When you are in your home office, prepare your presentations, review your contracts, pay your invoices and focus on paper and electronic mail to be answered and other work to be done.

When you have finished that work...leave the office and the computer. Instead of constantly checking e-mail throughout the day, set aside specific timeframes and do it then. Then, reward yourself with personal time.

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Become an efficiency expert

Many professionals who work from home find the adjustment difficult. The freedom of working in casual clothing, of not reporting for work at a specific time, of not being directly

supervised by others – creates an environment that may become lax. You must be responsible for your own efficiency, effectiveness, and efforts. Is your work environment efficient and ergonomically correct? Does it lend to a high level of productivity in a short time span? Are you a morning person and do you do your best work in the early hours of the day? Use the same schedule to plan your work at home, and then work your plan.

Schedule time for meals, relaxation and exercise

You schedule multiple appointments in your personal planner.

Schedule time with yourself. Make appointments for regular exercise, a hearty walk, meditation or other leisure activities.

If you find that you don't have the discipline to keep the appointment with yourself, find a friend or family member you can include in the healthy activity, and make an appointment with them. It will be harder to postpone, and you'll have the bonus of quality time with that person. Negotiate on behalf of yourself!

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Know what is important

In the book *The 7 Habits of Highly Effective People*, Stephen Covey showed that for many of us, the day is filled with tasks that seem urgent but are not important. Those activities attract our attention, but it is possible that they may never need to be

done. Weed those out, and make time for the important tasks.

The important duties that are also urgent require our immediate attention.

Recognize the need for help

You are not alone. There are people who can help you. Share your feelings with friends and family, and let them pick up the ball for you when you need help. In turn, make it a practice to be of service to others and to pay it forward. Many people say that when they feel stressed out, if they go out of their way to help someone else they feel better afterward. Pay it forward, and change the world one good deed at a time.

Know thyself

Are you an assertive type who finds it easy to say no? Or are you the selfless type who takes on more than you can handle? Negotiate for workplace balance by knowing thyself and thy limitations.

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Have the right people in the right seats on the bus!

In the classic book, *Good to Great*, the author alludes to having the right people in the right seats on the bus. It is not enough to have lots of help if the help is not the right help for the right job. Make a concerted effort to surround yourself with good people, and give them the latitude they need to do a good job.

Tend to your own interests

Winston Churchill said that a laborer benefits from physical rest and a sedentary person benefits from exercise. As Churchill put it, "...one cannot mend the frayed elbows of a coat by rubbing the sleeves or shoulders; but the tired parts of the mind can be rested and strengthened, not merely by rest, but by using other parts. It is not enough merely to switch off the lights which play upon the main and ordinary field of interest; a new field of interest must be illuminated."

Try something new

You may know that what you are doing now is not working for you. Perhaps the balance between work and personal life is out of gear. Working harder at the same activities does not create balance...sometimes, it is better to switch gears and move full speed ahead.

Change your schedule or alter your routine. Exercise in the morning instead of after work. Find a combination that works best for you and that re-energizes your life. Don't keep doing the exact same thing or trying to compact more of the same in less amount of time expecting a different result.

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Family Friendly Work Environments

Family Friendly Working and Work Life Balance refer to working arrangements that facilitate us to achieve a better balance between work and family life. These may include

maternity/paternity leave, on-site child care, flextime, job sharing, and work from home and other creative solutions to workplace balance.

If you have some priorities in life regarding flexible working or part-time work, it is good to inform of your expectations during the interview process. You may otherwise end up in a position in which you are dissatisfied with the working conditions and not able to handle the stress at work and managing family. Job hopping can be stressful and also may not be possible at all when the economy is a challenge.

Re-entering the workforce

If you are reentering the workforce after taking time off being at home looking after kids or for other personal reasons, you could be considering only part-time work schedule or flexible timings. Ideally, schedules should be addressed during the interview process. Demonstrate the value that you bring to the workforce by having balance in your home life.

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If your goal is to work part-time, consider the following:

- How many hours can you work without benefits?
- Would your manager be supportive of the situation?
- If not, could you be more flexible?

Negotiating to switch from full to part-time

Ideally, switching from full to part-time should not be a challenge and can easily be negotiated. You may, however,

consider working from home some hours a day to demonstrate your credibility and efficiency. As discussions continue, your track record of excellence could work in your favor.

Negotiate based on a specific project. If your current assignment requires skill sets that only you can provide, negotiate your time and availability accordingly. Be flexible in continuing on a full time basis until the project is underway; then, negotiate a part time schedule in your favor.

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CONFLICT

Conflict is a fact of life; it occurs at home and at work. Most conflict can be addressed between parties. Long-standing conflict can affect performance, corporate culture, and retention. The ability to recognize and understand conflict, and bring timely resolution will serve you, and your staff, well.

Rules for those in conflict

Actions

Both parties agree to resolve the conflict in a respectful way After cool-down period, arrange

for both parties to meet at a neutral location

Listen carefully and be honest

All parties describe conflict in clear terms, including behaviors,

feelings, and desired outcomes

Take responsibility for behavior Focus on the problem, not the people

Be willing to compromise

Restate and summarize

Brainstorm solutions and listen to options

Summarize

Shake hands and agree to action

Work-life balance

We all have responsibilities, whether it is caring for children and/or elderly parents, or the pursuit of personal interests, activities or hobbies. Balance is the responsibility of employer and employee. Today's employers are constantly seeking ways to assist their workers in managing their job responsibilities and their family and personal responsibilities and needs outside of work.

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They are willing to negotiate – are you?

Stress has an impact on relationships – in employment, with family, during travel, and in multi-cultural situations.

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Chapter 5

Relationships

WORK

Work is an ongoing negotiation – regardless of the work setting and your position within the organization. We just addressed the stressors associated with the workplace.

Examples might include staff negotiations related to hours, compensation, benefits, bonus targets and payouts, outcomes, expectations, performance, or co-workers. It might involve revenue-generation, cost-cutting or margin optimization, customer/client service issues or service recovery/customer service). Anything and everything involves the art of negotiation.

THE JOB...THE ULTIMATE NEGOTIATION

Compensation

Remember that the organization needs you as much as you need the job. There is always a dearth of talented people. An organization is always trying to attract the “right fit” talent, and if you have the caliber and skills and are able to demonstrate that to the organization, you will be financially rewarded. If you have reached the salary negotiation round in the recruiting cycle, which in all probable cases is the last round, the hiring team believes you are a strong fit for the role. If negotiating

with the other party. Be well-groomed, including hair and nails.

Dress appropriately.

If the negotiation is over the telephone, follow the same rule of thumb. Be professional.

What can and what should you do?

Go well prepared before the salary negotiation round. Do your research ahead of time. Determine the current market trend and see if you can learn about the company's compensation philosophy and structure. Identify the market rate for the role based on competitive market data. Be honest about your current salary. There are some organizations that do verify salary.

Consider what you want and why!

- What do you enjoy most/least about your position?
- What do you like/dislike about your employer?
- What would you seek in a new employer?
- What is your WHY surrounding your career trajectory?
- Why would you consider a new role/relocation?
- Where do you see yourself in 5 years?
- What is the opportunity for advancement now?
- Have you had a counteroffer; if so, how did you handle it?

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Remember that you shouldn't negotiate during the offer conversation. That suggests you're asking for more money, without stopping to think twice about what they're offering you

– both the intangibles and the tangible.

Take time to reflect on their offer. Most companies will allow you time to review their offer anyway. Use this time to scrutinize every inch of the compensation package—from the base salary, all the way to the benefits and incentives.

Be respectful, not desperate; it shows every time. If you want to make a counter-offer, be prepared to offer an intellectual rationale why you deserve more than is offered.

Regional salaries or salaries comparable to other companies may not apply to your unique skill set. Differentiate yourself from others in the same arena re salary. If agreement cannot be made, and the negotiations fail, know that you are willing to walk away gracefully. To summarize, consider these key points:

- Be reasonable in your request
- Demonstrate your value/worth
- Know the company's compensation philosophy
- Know the decision-makers
- Recognize that money is not the only thing that matters; be aware of what else you want

Look at the last bullet point; yes, there is more to compensation than salary. Let's talk packages.

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You got the job offer, but the salary is a little low. Do you counter? Surprisingly, many people don't.

“Nearly three in five US employees accepted the salary they were initially offered at their most recent or current job and did not negotiate,” according to a Glassdoor Salary Negotiation Insights Survey released in May 2016. What's more, women are less likely to negotiate than men. Almost seven in 10 female respondents — 68% — did not negotiate salary vs. 52% of the male respondents.

If we don't advocate for ourselves, who will? Before accepting a job, check out these tips to negotiate your best compensation package and to position yourself for long-term financial success.

Know your numbers

“Compensation varies widely, so compare pay levels to those that have similar job titles and functions and are in your geographic location,” advises Dan Ryan, a principal at executive search firm Ryan Search & Consulting and a member of the Special Expertise panel for the Society for Human Resource Management. Sources of this information include:

- Payscale.com
- Glassdoor.com
- Salary.com
- Bureau of Labor Statistics' free wage data
- American Society of Civil Engineers
- Other associations

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Incentive Plans

“For entry- to mid-level candidates, ask about a hiring bonus, a performance review after six months or even a larger workspace,” Ryan says. Be flexible on how the compensation package is bundled. In exchange for a more robust health care plan or a flexible work schedule, consider accepting a lower base salary. “Every candidate has specific needs, and there is almost always an opportunity for candidates and firms to negotiate in these areas,” Ryan says.

Take the time to consider what you are paying now for benefits; subtract that from your On Target Compensation (OTE) and that net out to your actual earnings. Do the same for the company’s offer – they may be offering you a lower salary than you want but the benefit costs are less, so you may be netting out more than you think.

Paid-leave benefits demonstrate a focus on balance. High costs are generally the greatest barrier to providing paid leave; family-leave benefit can be a differentiator in today’s competitive talent marketplace. Family dynamics are changing due to our largest living generations, including Millennials and Baby Boomers.

Salary or bonus...that is the question

And, the answer is, “It all depends.” You cannot generalize because it depends on the company and its compensation

philosophy. For example, a company might target base salaries at the median of the market and put more leverage on its variable components (and equity, if applicable) to increase the competitiveness of the offer. For most mid-level corporate

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roles, we see a higher focus on base versus bonus. Some roles might not even be bonus-eligible. In the consulting world, we typically see more leverage put on the variable and equity components, which resembles a more pay for performance strategy. When you are negotiating an offer, you are negotiating base and what is known as a target bonus. In some companies, based upon performance, you can exceed the target. If a company does not perform well, it won't pay out at target. Losses impact outcome.

Are bonuses guaranteed? Rarely! In most organizations, bonus payouts are based on both company and individual performance. If you performed well, but your company did not meet their targets, that will have an impact on your actual bonus payout. You cannot expect a full bonus in that circumstance.

Conversely, if the company performed well and you received a high performance rating, you might see a bonus payout that exceeds your bonus target.

If you are asked to sign a Non-Disclosure Agreement (NDA), make sure the employer understands that anything you already know doesn't apply. You must map this out.

If you sign a non-compete be aware of the length of time and geographical distance from the place of employment.

Benefits might include:

Child and Elder care; find out what the employer offers in terms of payment or referrals

Compensation or Flex time; for every extra hour you work overtime, you can take an hour off (the system may require you to keep accurate records).

Family-friendly; work life balance (see Chapter 4)

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Insurance; may include life and disability

Professional development; budgeted funds for your professional growth

Tuition reimbursement; may be possible

The recruiter has a job to do; he or she will identify the type of candidate you are (active or passive) and ask the questions that will qualify or disqualify you from consideration. They may ask if there is anything going on in your current situation that would prevent you from making a move today. The responses might include the ability to remain local, or to relocate after completing the sale of your home.

Perhaps you are expecting an upcoming bonus payout, and you want to remain with your current employer until you receive the bonus. Recruiters are strategic, and you must also be strategic.

They want to establish a strong relationship with the candidate; it is an art- not a science! They do so by building a strong relationship with the candidate, asking the right questions, and knowing how to get to yes.

They are looking for someone closable; when the answers do not match or the candidate cannot start for 6 months, they need to reconsider whether or not they can make the negotiation work. In each interaction with you, they are learning more and more about you, and they know that if there is not a match...they must walk away.

Sign-on bonuses

We talked about bonuses in general as they relate to company and individual performance. Let's talk sign-on bonuses.

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They are sometimes used by companies to close possible gaps in the offer package; if the company's offer is short \$5-\$10,000 and they cannot give more, they may offer a sign-on bonus. If they are working against a competitive offer and have matched the competitive offer, but they want to increase the competitiveness of their offer, they may offer a sign-on bonus. If they want and need you to begin immediately, but a possible bonus payout at the existing employer is on the table, they may have you start earlier and make you whole. Note that almost all companies have a claw-back, meaning that if they offer you a sign-on, and you leave before 12 months of employment, you

are liable for repaying that sign-on bonus. The sign-on may also be incremental, rather than a pre-employment bonus.

Relocating...it will eventually happen

Sooner or later, you might take a job that will require you and your family to move. You may incur significant expenses in the process, and if you are like most people, you will want your employer to pay for a portion of those expenses. How do you handle negotiations related to relocation?

Some companies have a standard relocation policy; you may be able to negotiate more. Other companies handle relocation on a case-by-case basis.

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Examples of expenses may or may not include:

- Pack your goods with a national mover, load/transport
- One vehicle is included
- Pay for two weeks of temporary housing/rental car
- Cover one month of storage – up to
- If needed, ask for more temp housing up to a given amount
- Relief in housing, not selling or buying
- Help with finding a new place

A negotiation about relocation compensation is the same as any other negotiation. If you focus on effective preparation, collaborative negotiating and out-of-the-box thinking, you will do well.

Focus on Your Interests

The whole point of negotiating for something is to address your real needs. Before you limit what you ask for, make sure you know what you want. The bottom line is you need the bottom line. Don't take the job if you need a second job to make your personal budget.

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Get It in Writing

Once you and the company agree on a compensation package for your relocation expenses, make sure you capture that agreement in writing. A formal contract may or may not be necessary; sometimes a simple signed letter detailing the assistance that is being provided and by what time. In most companies, it is standard to provide an offer letter (via email or regular mail), and that letter will require your signature to confirm your acceptance.

THE NON-EMPLOYEE

We are not all employees; it is essential to consider the contracted staff member or independent agent.

Physician Recruitment to Grow Volume

Within the healthcare setting, physicians may or may not be employees, but they do affect profitability. More physicians mean more patients, and more patients mean more income.

Let's discuss physician recruitment to grow specialty practice within a hospital, and the bottom line. In a Texas-based

community hospital, we offered medical-surgical services.

Specialty services, including eye, skin, bone, women's health were referred out to other facilities. We lost potential revenue on those services, and we also lost patients. Our reputation was that of a general hospital – one that could offer only the basics, and thus was less than full-service.

A patient in need of a knee replacement traveled more than 30 miles south to see a specialty board-certified physician. It made perfect sense to bring that physician, and orthopedic services to our community setting. By researching start-up orthopedic practices, we located a young physician who was eager to expand his outreach by traveling 30 miles north one day weekly, and grow an extended practice. The physician would provide his own staff, and we would offer location and referrals.

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His practice grew substantially and established a template for future development of specialty practices within our more remote setting. Our hospital was soon filled to capacity; we had a waiting list for elective cases, and a reputation as a quality, full-service provider. We had previously been dependent on county funds; with our newfound return on investment, dollars previously earmarked for us were now a part of the school budget.

Finances Drive Initiatives

In another facility in the Midwest, as Chief Executive Office of a 200-bed hospital with only 50 occupied beds, we were in a financial bind. In order to increase the census, and the bottom line, we recruited a five-physician practice with 20 admissions in a neighboring hospital. By bringing their physicians to our facility, we gained their patients, and a new revenue stream. They owned their own two-story building, fully equipped. In return for purchasing their building at a fee of \$1.5 million, they agreed to bring their patients to us. By negotiating strategically, we settled on a mere \$1 million price tag, in return for which we offered them a deluxe wing of the hospital and a complete nursing staff. They benefitted by seeing their patients quickly on a single unit with dedicated staff, they shortened their hours, increased efficiencies and enhanced outcomes.

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Urgent Care Drives Census

At an El Paso facility, we were losing big dollars, and no-one seemed able or willing to turn it around. Taking the job allowed me to (a) be a hero, (b) a success story, (c) position me for advancement. Admissions were at a standstill in this general hospital without an emergency department. The Emergency Department is a feeder, and without one, we were not being fed. We opened an Urgent Care Center with coverage 14 hours a day; we could see patients within 15 minutes of their arrival, provide care, and transition them either to inpatient status or

home follow up. By visiting the city hospital with the largest emergency room, we secured permission to discuss our situation with the local emergency physician group. While we could not offer competitive rates, we did offer them an additional revenue stream and a less intensive workload. We opened a small unit that was open 8am until midnight 7 days weekly. We promoted our service on TV and on billboards (there was no such thing as social media at the time), and we saw patients within 15 minutes of entry, or care was 'free.' Within a few months, we were so busy that we grew our admission rate by 40 patients per month, and we expanded our site, physician offering, and capacity. Eventually, we were open 24/7/365 and we had turned a loss into a profit center.

Accounts Payable...the utilities

Known as a financial turnaround expert, my attention and talents turned to a 500-bed hospital that was losing \$60 million dollars annually. That was quite a shortfall, and we could not pay our bills, including the basics of electricity, water, and supplies. We owed the local gas company over \$2 million dollars; they threatened to shut us off, but because of the potential for negative media exposure, they chose to keep us

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operational. The negotiations were intense, and resulted in a compromise that could be construed as an all-win. The hospital

would not pay back expenses, but would pay a monthly fee going forward that kept us fluid, provided the needed power, and allowed us to stay open. By getting paid monthly on future usage, the utility company got something – which is always better than nothing.

Whether you are negotiating within the workplace, or within the legal system, we all want the same thing, and that is an all-win.

Physician Consultants

Physicians are sometimes hired as consultants. In this capacity, we recommend tracking your outcomes from baselines in order to demonstrate success and negotiate a percentage of incremental new revenues that you generate.

FAMILY

Family dynamics continue to change and family business and dynamics rarely work. Think about the family setting, family-owned businesses, sibling rivalry, divorce, marriage, inheritance, death, housing – and the root of all evil might just be the color of money!

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Having a family business raises the stakes and can complicate a family negotiation. Consider what makes it different:

1. The Negotiation Space

- Most family members tend to be peace-keepers;
- They won't all come to the table
- Some will be around forever (think forever family)

- Community sometimes matters
- Less involved in negotiation is not less involved in the outcome

2. It's not only about winning

- The goal is creating mutual value
- Loss is more than money
- Outcome impacts future relationships/families

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3. Look at both sides of the equation

- Listen, listen, and listen
- Be willing to give a little to gain a little or more
- Be open to knowing that you do not know it all
- Exchange authentic views
- Identify and respect core values

4. Negotiate the bigger picture

- Identify all of the issues
- Negotiate for the bigger picture, keeping the issues in mind
- Be aware of overlapping interests
- Work cohesively to identify the most pressing issues

5. Make it about interest, not about position

- Be transparent rather than fearful
- Be patient and non-judgmental

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It may be helpful to have a leader chosen from within the family

and that other family members become passive investors.

Family members may have equal say on important matters but a consensus paradigm may be difficult to achieve. Perhaps that is why the field of Family Business Negotiator is growing.

- Listen, listen, and listen

Relationship

Key factors

Relatives

- Long-standing or nuclear;

emotional ties

- Dependency

- Loyalty

- Sensitivity

- Role delineation

Communication

- Complicated

- Disruptive

- Poor listeners

- Judgmental

- Perception/Reception

The Stakes are High

- Value of the business

- Good for the family

- Good for business

- Multiple members and roles

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TRAVEL

Deals abound – every website, every airline, every hotel chain has an offer too good to pass up. As a business traveler, you anticipate business class service and amenities.

Life goes on, and schedules change, flights are cancelled, and we are inconvenienced. What does your preferred airline or carrier do when this happens to you? Be familiar with their policies, and know whether or, or an employer, will incur the loss.

Personal travel plans also change – due to weather, unusual circumstances, cancellations and family matters. How you negotiate with the airline or hotel demonstrates how you negotiate in life.

Let me share an example. When writing to the head of a major airline recently about a change in plans due to weather and their failure to cancel a flight and therefore entitle me to a refund, I chose this as my email subject, “Why I Still Love AA.” You can be sure that this email resulted in an ‘open.’ That was my goal. The message addressed loyalty, and why, for more than 25 years, AA remained my airline of choice. Only then did the message address the recent challenge and outcome.

Within 24 hours, the response included an apology, a full refund

of all costs, and a credit voucher. It is definitely about what you say and how you say it. *We all write letters of complaint; in a high-school writing class, the teacher provides examples of letters of complaint.*

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We all have complaints about something; how we voice those complaints and how we negotiate for the all-win matters most.

The airline in this examples gained continued loyalty, and the customer gained a full refund and more.

CULTURAL DIFFERENCES

We live in a multi-cultural society, and it enriches us. There are multiple sources of information on negotiating internationally.

Sources include orientation for expatriates and their families, language skills, adapting to local circumstances, housing and more.

We also sometimes rely on stereotypes – what we see in the media, profiling, and distorted expectations. By focusing on prototypes or cultural values, we can enhance the negotiation and create a win-all. How can you gain greater understanding of cultural negotiations?

Consider these factors:

What

to

Culture

know

Customs, beliefs and values

Context

Background and behaviors

Who, what, where

Relationships

Possible barriers

Preferences and priorities

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Working across cultures for the past 30 years required me to enhance my awareness of cultural differences and the effect on negotiations. Let me share an example.

Moscow

In 1992, with the dissolution of the former Soviet Union, new independent countries were born. As the director of the office of International Affairs for a hospital alliance, and subcontractor to a United States Agency for International Development NGO, the challenges were enormous.

My role was to manage multiple partnerships between US-based hospitals and health systems, and to negotiate a relationship with The Presidential Medical Center of the General Management Department of the Russian Federation when a prominent cardiologist pulled out.

Central Clinical Hospital (CCH)

CCH, the medical center's flagship facility, and a 1400 bed

facility that comprises ten clinical, four ancillary services buildings, and a new birthing center, was exceptional by any standards.

Founded during the Stalin years, the hospital traced its routes to Moscow's typhoid epidemic of 1918 when it was established to accommodate increasing heavy patient loads. Following the events of 1991-1992, the hospital welcomed patients from a diversity of sources, including over 100 factories and businesses with which it contracted to provide employee care. A state-of-the-art emergency department, connected by a walkway to the International Patient Department, was constructed. Seven

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clinical areas of the first Corpus were renovated to western standards based on the model developed in consort with Premier, Inc. The Center became a "foreign affiliate" of Premier in 1998.

US Government Intervention and Negotiation

In the summer of 1993, the Senior Medical Officer at the US Embassy's Medical Unit in Moscow met with the General Director of the former Government Medical Center. The parties agreed to send a formal diplomatic note to the President and the Prime Minister asking that the Russian Federation Medical Center develop the capacity to serve the expatriate population.

This letter included a number of rationales including development requirements, diplomatic requirements, and the

desire to keep Russian monies in the country instead of having people seek their health care in Europe or elsewhere. The letter included: (a) a request by the Ambassador to establish a partnership program between the Medical Center and a US healthcare system; and (b) an agreement by the US Embassy to assist the Russian Federation Medical Center in primary care, emergency care, basic internal medicine, orthopedics, pediatrics, obstetrics-gynecology, and other services.

A Russian national and physician at the Medical Unit was selected to assist with this process aimed at having the US Embassy shift its business to the new clinic once operational and satisfactory. The General Director requested a western-style patient care unit at both CCH and Polyclinic #1. He consulted with Premier and an implementation plan was developed.

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Memorandum of Understanding

A Memorandum of Understanding (MoU), detailing the working relationship between Premier and the Medical Center, was signed in Chicago on August 18, 1993. This event coincided with Premier's Tenth Anniversary Celebration.

My legal department developed a management contract with the Russian Government Medical Center. A component of the management contract called for development of an American-style medical unit within CCH to meet the needs of the foreign

business community. Concurrently, the US Government gave CCH 4.7 million dollars in medical equipment, including state of the art surgical set ups.

Partnership

activities

during

throughout

1993-1994

concentrated on training in primary care, diagnostic and interventional cardiology, nursing and medical education, quality assurance, insurance, obstetrics, immunology, hospital administration, cardiac rehabilitation, and western medical care.

Plans were developed for the renovation of a section of Polyclinic #1 and designation of the third floor of Corpus #1 at CCH as the International Patient Department.

Partnership Extension

At the conclusion of the one-year USAID grant, the General Director approached the Ambassador requesting a one-year extension in the amount of \$35,000 to cover the cost of partnership travel. A \$35,000 grant was awarded, extending the partnership to April 1995. Partnership activities were expanded to encompass rehabilitation and sanatoria management, high-risk neonatal care, marketing, and ambulatory care.

Under the direction of a Chicago-based architectural firm, plans for the renovated International Patient Department and Polyclinic were developed. Signatories to the construction contract were McHugh, the Medical Center; and Sharon Weinstein on behalf of Premier. The Medical Center committed \$300,000 in funding to completing the renovations.

Construction at the hospital began on January 20, 1996; the entire department was shut down. During construction, staff was given English language lessons and comprehensive instruction in the care and management of western patients.

McHugh International completed renovations on April 1, 1996, and the departmental Grand Opening was held for the public on April 2, 1996.

The result was a western-style department with English-speaking staff, all of whom received training in the practice of US healthcare delivery and customer service. A US-licensed clinical nurse educator was on-staff at CCH for two and one-half years. A business/marketing manager was employed for one year. Premier's Moscow location employed a full-time administrative assistant/interpreter for nearly two years.

Accomplishments

Institutions involved in the partnership program have mobilized their resources to enhance the relationship between Premier and the Medical Center. Over 50 new affiliates have become involved in Premier's international initiatives. Business

partners' level of participation in the initiative

has

been

intensive, resulting in informal relationships between the

Medical Center and Baxter International, Abbott Diagnostics,

Johnson & Johnson, and 3M. Other firms involved in the

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programs include Smith & Nephew, Kimberly-Clark, C.R.

Bard, ECRI, Standard Textile, AMSCO, Becton Dickinson,

Alaris Medical Systems, Hill-Rom, Ross Laboratories,

ServiceMaster, Kraft Foods, McDonald's Corporation, and

Hewlett-Packard. Premier personnel gained an appreciation for

the knowledge, skills and abilities of their foreign counterparts.

Staff from CCH in Moscow shared a commitment to excellence

and customer service. Significant accomplishments were made

in the areas of nursing education and cardiology. By building

on these accomplishments, the partners developed a program to

support the Medical Center's expansion and quality goals for

the future.

The negotiations were challenging due to culture, currency, the

climate, and perceived value. The partnership resulted in

sustainable change, ongoing relationships, and mutual

appreciation of the outcomes. This was an all-win that continues

to give!

KIDS

We already addressed the un-sick, sick child. Let's talk screen-time and accessibility. Some families do, and other families don't – negotiate for screen time, that is! But, screen time is a source of stress.

Keeping kids off of tablets, phones and television can be a problem during vacation, but with teachers instructing students to use screen technology to complete assignments, it may seem like your kids are glued to devices from sunrise to sunset.

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Teach kids to “do as you do”: Model healthy behaviors that address on and off time. It's tough to get children to reduce their screen time if their parents are consistently on their phones, tablets and computers. The more time that kids spend with screens, the less active they are. Implement a rule that there is no eating in front of screens.

What to do

Why or why not

Lead by example

Limit your own time and attention to devices

Be the parent

Someone must be in charge

Be involved in their lives

Participate in school and after-

school activities; listen to what they are saying

Monitor behavioral changes Know your kids, their usual and unusual behaviors

Encourage other activities

Sports, outdoor activities and creativity will always win

Impact of school

Many assignments are done using a tablet; schools are connected and WiFi exposure can be dangerous to long-term health

Negotiate, but remember follow these suggestions:

For some families, screen time is unlimited and that includes all devices. In other families, screen time is earned, available only on weekends with the exception of homework, and safety precautions are in place.

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Why does safety matter and what are those precautions? A serious health threat that every parent should know about – WiFi and cellular technology!

Is there an invisible danger – wireless radio high frequency signals? Is it unsafe for students, and is it in your child's school

or in your own home? The impact on students' health is real and is manifested as headaches, eye strain, a feeling that something is in your eyes, dizziness, and increased heart rate. The symptoms appear at school and disappear once the child gets home, if there is no WiFi at home, or if it is turned off when not in use! And cellular phones present similar challenges.

Let's look at WiFi first:

For parents, it is important to understand how especially vulnerable children are to EMFs, as their nervous systems are still developing and their skull bones are thinner than those of adults. Studies have now been done which correlate:

- Behavioral problems

Children with both prenatal and postnatal cell phone exposure were 80 percent more likely to have emotional problems, conduct problems, hyperactivity, or problems with peers.

Children who were only exposed prenatally had a higher likelihood of behavior problems compared to those who were only exposed postnatally, but not as high as those who were exposed at both times.

(Epidemiology July 2008, 19(4):523-529 and Reuters July 29, 2008)

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- Autism and electromagnetic fields (EMFs)

The scientific community still debates the cause of autism, but a

study conducted by Dr. Dietrich Klinghardt on autistic children and their mothers during pregnancy, show significant results, strongly suggesting that “electromagnetic radiation in the sleeping environment of the mothers during pregnancy, as well as electromagnetic radiation in the sleeping environment of children may be key undiscovered contributing if not causative factors in neurological impairments in children, including autism...”

(<http://earthcalm.com/lp-children-and-emfs/emfs-and-autism/>)

So let’s look at the bigger picture, the real issues, and why screen time and connectivity should be negotiated.

Wi-Fi in Schools

More and more schools have WiFi throughout their buildings, meaning that kids are exposed all during their school day to the harmful radiation. Even when children are not actively using a computer, they are being bombarded with EMFs.

Wi-Fi in Your Home

At home, many live in the sea of microwave radiation created by the wireless router their parents have installed for everyone’s convenience. Many kids have their own laptops with endless wireless connections.

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So, are our kids being exposed to radiation? Are they increasingly sensitive to radiation? Based on studies related to

cell phone tower exposure and increasing frequencies, many believe that WiFi can have the same long-term effects as cellular phones – but both are hazardous to our kids’ health. Think about it! Our kids are spending the day under a WiFi tower! In the past few years, WiFi signals have been installed in schools throughout North America – probably in your own community.

Let me provide an example of a current challenge. Many communities are installing Smart Meters which may violate safety limits on human exposure to microwave radiation. In some communities, they are being installed when residents have what is known as “electro-sensitivity.” There are also reports of 'smart' meter interference with pacemakers and other implants. Two Naperville, Illinois mothers were arrested after they tried to block utility workers from installing smart meters in their yards.

Residents in many communities oppose the wireless “smart meters,” citing concerns about possible health problems that might be caused by the meters’ wireless signal, which is always on. They have said studies show the radiofrequency (RF) signal could be dangerous, when combined with other RF frequencies already in existence.

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Should you be concerned? Yes! Should you be proactive in limiting and negotiating exposure for your own children – of

course, yes!

We have increased awareness – now, what can we do?

- Limit use of connected devices
- Limit your kids' exposure to WiFi
- Use a Blue Tooth
- Be aware of manufacturers' warnings
- Negotiate screen time

We have the knowledge, and we are aware; let's prepare for the negotiation.

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Chapter 6

Preparing for

Negotiation

LEGAL NEGOTIATION

Whether your negotiation is over a legal matter or in a commercial setting, the goal should generally be the same -- and that is a scenario where everyone gets something, even if no one gets everything – a “win win” situation. Whether that result can be achieved in a given situation depends on two fundamental components of any negotiation – leverage and relationships.

In some law school negotiations classes, you learn that the best result is a win-win scenario -- the professor would present a scenario and the students would negotiate a dispute with a partner; your grade was highest if both parties won. If one party was a clear victor, and the other was a clear loser, you would receive a lower grade. Both parties needed to feel as if they got something, even if they did not feel as if they got everything.

But in practice, there may be such an imbalance in leverage that it is more difficult to achieve that result. That’s because leverage comes from the ability to “walk away,” and the parties in a legal

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dispute may not be equally willing or able to do that. That’s especially true when you are negotiating with the government.

If you are negotiating with the government in a criminal case, for example, the prosecutor typically has all the cards. That's because, assuming the government has the evidence to back up its charges, the consequences of not making a deal are nearly always worse for the defendant than for the government. If the defendant turns down a plea deal, the consequences are a risk of greater punishment. For an individual, that means a much longer prison sentence. For a company, that means a much higher financial penalty, and the existential harm that may arise from being indicted in the first place. But for the prosecutor, the consequences are simply being forced to present the evidence to a jury at trial. So prosecutors are nearly always more willing and able to walk away from negotiations than the other party.

Indeed, the prosecutors who are the best negotiators are the ones with reputations for being good trial lawyers, because the defense lawyer knows that the prosecutor is perfectly willing to walk away from the negotiating table and go to trial. On the other hand, prosecutors with a reputation for seeking to avoid trials are less effective negotiators, because defense lawyers know that those prosecutors are not as willing to walk away.

The same principle applies if you are negotiating with the government on a civil or regulatory matter. If the private party is not equally able to walk away, then the government negotiator has superior leverage, and can extract greater

concessions.

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As a practical matter, in this type of negotiation the goal is not truly the “win-win” you are taught to seek in the classroom.

While the government of course should seek a fair resolution, its primary goal is to achieve the greatest possible penalty or sanction. And the goal of the defendant or other private party is just the opposite.

This imbalance in leverage and these asymmetrical goals mean that it is not possible to achieve a true “win-win” in these circumstances. But that doesn’t mean there is no room to negotiate and no ability to achieve meaningful concessions from the government. That’s because of the other fundamental component of any negotiation – relationships. The less leverage you have, the more your relationships – your skills at dealing with people – matter.

Your level of professionalism, your credibility, and your ability to connect with people are critical to any negotiation. But when you don’t have a lot of leverage, they are your greatest – perhaps your only – currency. When you deal respectfully with others, and when people know that you mean what you say, your counterparts will take you seriously, listen to what you say, and perhaps be more willing to reach a fairer outcome.

Negotiations are based on trust. Regardless of culture, language,

or background, it is essential to establish a trusting relationship with those with whom you are negotiating. Negotiations may be between large institutions, but they ultimately are conducted by human beings, and so the ability to understand human nature and to influence people will be critical to a successful outcome.

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Consider these key points in a legal negotiation:

Know the facts and what the evidence shows

Know the applicable law

Know your client's exposure and risk tolerance

SPORTS

We know that sports teams have salary caps, and players are sometimes traded because the team has already capped out.

Let's face it, athletes often have extensive packages, and these packages are negotiated by experts in the field. They come to the table prepared, with data, and with a plan.

Sports contracts vary with the type of sport. Some are more lucrative than others, and to the general public, seeing those numbers is astonishing. The career span is short, however, and the numbers on the front end must be high. Injuries can shorten the career span; players are in competition for their own positions because farm clubs and those in the wings are eager to join the team. The tension is high, the risks are great, the contracts are lucrative, and the games go on.

It is time to expand our thought process and consider strategies

in real estate, academia, and even marriage.

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Chapter 7

Strategies

Think about the strategies that you have used on a daily basis!

REAL ESTATE

We negotiated a lease, our very first, two years ago, and it was time for renewal. We received an email notification that the rent would increase by \$500 per month, 25% more than we were currently paying. How did we respond? Because we were under new management, and because we did not like the tone of the email, we explored comparable options, including neighborhoods, space and amenities. We identified several options, and using an online service, we also identified the options within our own complex. We wanted to work from a position of strength when we met with the leasing manager – and did we ever create strength. We found that the apartment directly above our own, equal in square footage and amenities, was being offered at a rate \$300 per month lower than our suggested renewal rate. We printed out the offer, and armed with that information and the comparison properties, we visited the sales manager.

We entered the negotiation in a positive way; we never criticized the current situation. We had recently written a positive review on Yelp about the facility, and they were aware of our review. We praised the building, the resources, the staff, and we stated how much we enjoyed being tenants. We also strategically placed our comps on the desk, and suggested our

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top choices, both of which would force us to move. We told the agent what we liked about the sites, and we stressed the economics of the situation. To our surprise, she said that she would like to retain us as tenants and that she would personally research the circumstances leading to the increase in rent.

Less than 24 hours later, the increase was reduced from 25% to 2.5% and we suggested a subsequent decrease in parking fees – bringing our future rental to that paid in 2015. We also negotiated a second year lease increase of less than \$50 monthly. Over a four-year period, our total rental increase is less than \$50 per month – a win for us, and an all-win because the leasing company retained a valued client, did not have to prep the apartment again, and kept good faith.

ACADEMIA

Negotiating Academic Faculty Workload

As with many universities, economic shifts and trends in higher education have led to greater demands on faculty - an ever-increasing need to do more with less. Several years ago, we

found that the administration was ignoring our requests to negotiate workload. They felt we were “just complaining”. Communications nearly came to a halt. Administration’s negative perception of faculty, emotions running hot, and the divided culture in the institution made negotiations extremely difficult. It was a challenge simply to get a seat at the table with the leadership team.

At this university, all degree programs are focused on areas related to social services, social justice, and community improvement. Faculty wrongly believed that simply identifying the injustice of our situation would be convincing. A small group of us who had previously worked outside of academia argued that we needed to make the business case for our cause to incent administration to work with us. To address the

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problem, faculty formed a workgroup to find a strategy to negotiate for a lighter workload, and I led this group.

The aim was twofold: to compile as much data as possible to support our position that we were overworked and to convince administration that it benefitted them to lighten our workload.

First, we extensively surveyed all faculty members to determine what they did with their time. We gathered our own benchmark data from comparable institutions regarding workload and salary, as well as policy and models for allocating workload

among faculty. It was a huge endeavor, especially given our overwhelmed workload status, and data were collected over a year's time. It was obvious from the study that faculty were grossly overworked, each putting in an average of 60-70 hours per week, leaving little time to represent the university at community events, assist admissions with recruitment, or conduct scholarship to elevate the institution's reputation.

Our next step was to partner with our student government to survey students about their experiences. Students expressed that they felt faculty were unavailable and unhappy, and this impacted their experience. We also gathered reviews from recent graduates and investigated the reasons for our high student attrition rates across programs. As academics, we gleefully gathered literature that discussed how an institution's reputation, hindered by a negative student continuing to overwork faculty.

Armed with data, we could clearly explain exactly how the workload should be decreased and why it benefitted everyone. We approached the administration with a detailed, multi-year plan for decreasing workload and a newly devised model for more equitable work allocation among faculty.

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Our activities demonstrated that we were invested in our own and the institution's success and that we were not "just complaining", or waiting for someone else to solve our

problem. We successfully negotiated to decrease the number of credit hours required for each faculty member and the cap for class sizes, and to increase payments for teaching over contract. Administration gained our investment in supporting admissions efforts and our willingness to work to enhance the institution's reputation. We left the negotiation with some "to do's" that unfortunately fell to the wayside when a key administrator left the institution.

What did we learn about negotiating in the academic setting?

Make your case and do the legwork to determine how both parties will benefit

Negotiations cannot rely on the investment of specific people

The loss of our champion in the administration meant we took several steps backwards in our "to do's"

Without a specific strategy for implementing these additional requests, administration procrastinated and seemed to forget their agreement to collaborate in problem-solving

And without using the negotiation conversation to develop a stronger relationship with administration overall, trust went with the individual who left.

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What next? From a personal and professional perspective, my goal will be to ensure that every issue is addressed. By coming to the table with data that informs and meets my needs and

those of the challenger, the outcome could, and should result in an all-win.

MARRIAGE

Do you want to get married on Wednesday? A key to negotiation is knowing what you need and going for it. That is the premise of this book, and can be your premise in life. Ask for what you want!

How does that work? Sharon proposed to Steve on their 5th date and married him the next week. The first phone call closed the deal. He had a family, and she was searching for a home – more than a place to reside, but an actual home. So, knowing what she needed and wanted, she focused and said, “I’m not working on Wednesday, would you like to get married?” And, we did! How has it lasted? Long-distance travel, illness, working on the relationship, relocation, and negotiating for change were a part of the equation. The rest is history!

The strategies worked, in the housing market, in a faculty setting, and in marriage. They worked because of influence, position and power.

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Chapter 8

Influence

WHO ARE THE INFLUENCERS IN YOUR NEIGHBORHOOD?

Malcolm Gladwell, in his compelling book, *The Tipping Point*, tells us that change is possible; people or social institutions can radically transform their behavior in the face of the right impetus. This is the ultimate “*tipping point*,” and the author provides examples of a number of forces coming together – many of them appearing small or inconsequential – that result in large-scale change.

Social movements could have failed had they not had their own "salesmen" and "connectors," the terms Gladwell uses to describe those with vast networks of people in various personal and professional pools who hear new ideas, talk about them, and share them. Connectors are Bill Gates, Steve Jobs, and Sheryl Sandberg.

Because of their personalities and their ability to exist in numerous worlds and cultivate weak-ties with a variety of individuals, these connectors make the world a smaller place by bringing people together. They are the ones responsible for the six degrees of separation theory.

Mavens are shoppers. It doesn't matter what the market is - cars, computers, clothes - the maven is the person with her finger on the pulse of the industry, the early adopter. Mavens accumulate

knowledge about the industry; the maven is the guy in the

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cubicle next to yours who knows exactly what the next version of the iPod is going to look like and do. He's also the guy who has one first.

Salesmen are people who through the sheer persuasiveness of their personalities are able to sell ideas, products, and practices without even trying. We buy what they buy and do what they do because they make it seem so appealing, and we just want to be more like them. Think of it this way:

Category

Responsibility

Connector

Knows lots of people

Maven

Takes the new thing being introduced, sifts through its real-world complexity, organizes and translates it down to the simple relevant new bit.

Salesman

Gets the recipient to take in

that relevant new bit.

They are the influencers, because they have the power and the position!

POSITION

There is no doubt that position plays a key role in negotiations.

Negotiations can, and will be, a power struggle. He or she with the position generally also holds the power. Consider elections at home and abroad; he or she with the position also has the power, to a certain degree.

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Factors involved in power include:

- Lack of dependence on others and BATNA
- Authority and control
- Psychology

Position is so much more than a title; it is also one's position on an issue. If a favorable issue with which most people agree, the position is better. If you are on the wrong end of a negotiation, your position is weakened.

Remember that one of you wants something that the other doesn't.

The essential question that neither party has asked the other is to explain the reason and motivation behind their position. The

motivating forces are what we refer to as their negotiation

interests or their why.

This is why the steps outlined in *Preparing for Negotiation* were crucial to the conversation. Think about that section and the steps needed to negotiate successfully.

List your own key steps here:

1.

2.

3.

4.

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Now, list them in order of relevance!

What We Need to Know

The Issue

A clear understanding of the issue or problem

Obstacles

Similar and dissimilar potential obstacles to achieving closure

Separation

The ability to step back, when needed, to look at the bigger picture and to step away from (and out of) the issue

Negotiating interests

Tangible needs or underlying components of the issue – payment, transportation, scheduling and more

Problem solving

Understand the problem and the obstacles in order to negotiate an outcome

POWER

Knowing the following rules of power comes in handy when entering into a negotiation. There are multiple sources with multiple suggestions.

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How are you positioned when it comes to position and power?

One side does not have complete power Even when you are at the mercy of

mortgage lender, you may decide to opt out.

Power may be real or apparent A final exam was administered in

Eastern Europe. The policy was to copy the answers from one another. We announced that we would adhere to US standards; students were confused. Did

we have a standard, or not, and did it

matter to them?

Power exists only when If you don't try, you don't know.

it is accepted

Consider the marriage example earlier in

this book.

Power

relationships As the upper classman in school, you

may vary from time to have the power – but that is middle

time

school. Then, you enter high school, and

again, you are the low man on the totem

pole. Power changes throughout our

lives.

The side with the least Consider the car example; you will, or

to lose holds the most will not, purchase that car. If you don't

power

select one today, you may return

tomorrow, visit another dealer, or

decide not to buy, but to lease. You

have the least to lose, and you have the

most power.

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If not, who has the power? Identify the influencers in your life,

career, and future!

1. _____
2. _____
3. _____

Now, ask yourself the simple question, “What if...?”

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Chapter 9

What If?

WE CANNOT REACH CONSENSUS

Equipment is needed in all work settings. Everyone wants to make a good deal with an extended warranty. Warranty in medical equipment is a challenge simply because technology changes rapidly.

In a medical equipment negotiation, we did not reach agreement, and the sales representative knew that her senior manager had blown the deal; she respectfully asked permission to return with another team member and reopen the negotiation. Our second round resulted in an all-win. The hospital obtained a 3 year warranty and would have settled for 2.

When to call it quits

In all negotiations, you need to recognize when it is time to say, that's it!

As you now know, you must know your BAFTA. Follow these general rules for knowing when it is time to stop the negotiations:

- Observe: watch your own body language and that of your proposed partner. Don't send confusing or conflicting messages.

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- Consider the emotional climate: remember the section on personalities and the impact on the outcome. Be aware of the environment and how it makes you feel. If you are sluggish, fatigued, dehydrated, or just worn out, it may be time to call it

a day. Consider what you can live with, and if you are there!

- Pay attention to tactics: Be in the lead by directing the flow, the manner, and the ease of the process. You will be able to tell when the other party is uncomfortable, and you will certainly be aware of your own comfort level.

From Voltaire, we learned , “*A long dispute means both parties are wrong.*”

Could that be true? Knowing when and how to negotiate is one thing. It is a completely different matter to know when to call it quits. Savvy business leaders recognize when it is time to call off the talks, break off the negotiations or the contract. Union leaders are familiar with the process; so too are sports agents. There are time when one walks away for a cooling off period, and there are times when it is just right to quit or to non-negotiate.

Those times might include:

- A body message signal from the other party that demonstrates avoidance
- When there is a ‘don’t care’ attitude among the parties
- When you see a molehill becoming the formidable mountain
- When BATNA (that best alternative) appears

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There will come a time when your counterpart drives you away from the table. Playing hardball, avoiding the situation, yielding –

will any of these strategies work, and do you want them to work now or ever?

There are disputes related to marriage, divorce, business closure, family matters and more that result in a big chill. Some of these negotiations keep parties from speaking, communicating, or interacting.

A pending arbitration may create pressure to delay the negotiation. A union representative may cede concessions unpopular to union members. The negotiations are stalled due to the big chill.

Remember that there is no point in negotiating with anyone when the viable alternative – calling it quits – can take you on another path.

Your goal is to get to the all-win! Is it possible?

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Chapter 10

Getting to All-Win

Negotiation is a means of resolving differences between people.

In the process of negotiation, we consider multiple factors. We've seen that throughout this book as we have shared stories and situations that crossed all lines.

WHAT NOW?

Ask the right questions. Are you satisfied, if not, why not. Do we want to pursue the process and continue to negotiate? Is yes, what can we do to keep the negotiation moving along?

What next?

More importantly, what can we do to ensure satisfaction, and that essential all-win?

You've seen examples of moving from conception to contact, from negotiation to an all-win. Think about these tools that you might use to ensure satisfaction, gain commitment, and maintain respect.

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- Focus on maintaining the relationship

Never allow the negotiation to destroy an interpersonal relationship; say something like, "I see you point..."

- Focus on mutual interests rather than on opposing positions

Consider needs, desires and fears. Parties at the table will often refuse to move from an important point.

- Offer a variety of ways to get to all-win

There are a number of ways to get to yes, even a partial yes.

emotions, and choices.

- Aim for an objective result that satisfies all parties

Find a result that is acceptable, independent, and that can be

seen as fair.

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Now, list your 3 top negotiation strategies for getting to an all-win.

What worked? What didn't work? Why not?

Top 3 strategies:

1.

2.

3.

What worked?

What didn't?

Why not?

Can we close this deal?

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Chapter 11

Closing the Deal

An individual should learn to compromise to his best extent possible. Remember that you cannot get everything. For an all-win negotiation, both parties must win something.

TERMS, CONDITIONS, AND MORE

Perhaps you've been asked to sign a Terms of Use Agreement, which might relate to website or computer services. When you opt into a site to use its services, you may see this type of agreement.

We want to seal the deal and conditions with which both parties are comfortable.

Tips for sealing (or closing) the deal include:

- Opinions count

Consider saying, "In your opinion, will this approach solve your problem?" If the client says no, it is opinion and not fact; you can then address his/her concern in greater detail.

- Asking for concessions

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You have seen it with car sales, "If I do that for you, will you take the car today?"

- Give something for nothing

A free value-add item can be helpful if handled correctly. I have an extra case for that phone today; if you take it now.

- Another appointment

Your counterpart has an emergency call that has been pre-

scheduled at a certain time and needs to leave.

- Ask for objections

When you have completed the discovery process and you are sure that your client understands your product or service, ask for any objections by stating, “Is there any reason that we cannot proceed with your order now?”

- Direct close

This is a closed-end approach that allows you to seal the deal – today, now, and it works when you are confident, resourceful, and a great negotiator positioned for the all-win! Our survey explored perceptions of successful and less than successful negotiations. The results follow.

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Chapter 12

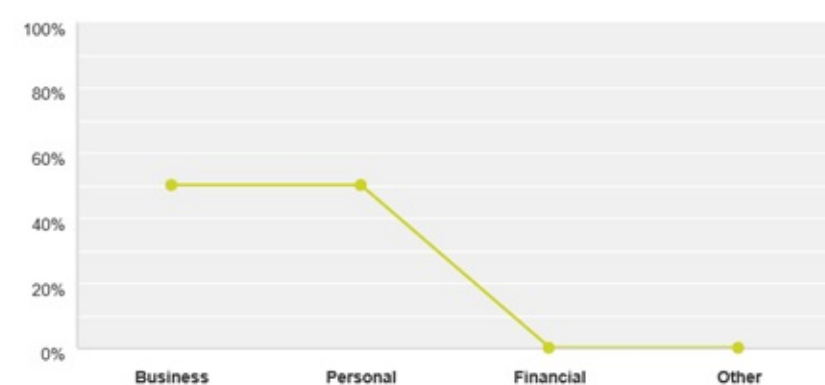
What the Survey Says

SURVEY TIME

The best way to discover is to ask the question. We already know that to get what we want; we need to position ourselves with the knowledge, skills, and ability to negotiate. We also are good listeners.

With a passion for negotiation, and how others close the deal, the authors decided to survey a select group of C-suite, manager, and other professionals – and we listened! The survey document was sent to a total of two hundred people, and the response was a sixty-two percent return.

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One hundred and twenty-four respondents offered the following picture of their best practices in negotiation:

1. *What was your best negotiation?*
2. *What was your opening strategy?*

Responses varied from fulfilling an unmet need to wanting to create a win. Others wanted to build a relationship based on trust.

3. *What role did you play in the negotiation?*

CEO, HR Director, VP, Physician, Director, Customer, Client

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4. *How did you determine what would be an all-win?*

Active listening, identifying the need, mutual sharing and benefits, and having both parties agree and are satisfied.

5. *What was the outcome, and was it a success?*

The answers stated, "Highly successful, both sides prospered."

6. *What would lose have meant to you?*

Several individuals would have had to leave their jobs and start over. There would be feelings of discomfort, loss, and grief.

Others stated that they learned from the experience.

7. *What did win mean to you?*

It created a path to creating infrastructure; a starting point for a long-term project. It made me feel valued and cared for.

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8. *Who was involved on both sides of the negotiation?*

Party 1

Party 2

Number

Medical center

Medical supplier

7

Public utility

Housing project

4

Physician

Billing company

8

Patient

Physician

6

Teacher

Union representative

13

Car salesman

Customer

7

Banker

Customer

2

Mortgage lender

Client

13

Real estate agent

Client

4

Grocery chain

Customer

6

Airline carrier

Frequent flyer

12

Dry cleaner

Customer

6

Supervisor

Employee

11

Human

Resource Employee

3

Director

Human

Resource Manager

2

Director

C-Suite

VP

2

VP

Direct report

1

Student

Teacher

7

Attorney

Client

4

Husband

Wife/Partner

2

Citizen

Government

3

Police officer

Victim

1

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9. Did the negotiation go according to plan? If yes, explain; if not, why not?

“For the most part” was the typical response (over 55%). When the negotiation did not go according to plan, it was attributed to lack of preparation, failure to listen, failure to watch body language, and power struggles. When the negotiation did go according to plan, the success was attributed to strategy, preparation, listening and knowledge.

10.

Were the parties involved multi-cultural?

Responses included: Asian, Eastern or Western European.

11.

Other than a workplace negotiation, what was your best family, relationship, or travel deal?

A life partner topped the list.

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SUMMARY

Consider these tips for mastering negotiations in your life, business, community and family.

1. Set your expectations and know your limits
2. Use multiple techniques and tools to facilitate the process; know your counterpart and his/her expectations, wants, needs and desires
3. Recognize that you cannot win all of the time. How many times did you run for elected office in elementary school and lose because you forgot to vote for yourself, or because at the age, the boys vote for the girls, and the girls vote for each other.

You may win, you may lose, and you may success with an all-win outcome because you decided to ***“Go for It...and Master the negotiation.”***

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TEMPLATES

A variety of templates may be used to facilitate the negotiation process. We recommend these to prepare, to identify possible concessions, and to identify the relationships prior to, and following the negotiation.

Preparing for Negotiation

Our Interests

Their Interests

1.

1.

2.

2.

3.

3.

4.

4.

Possible Concessions

Ours

Theirs

1.

1.

2.

2.

3.

3.

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Relationships

Prior to the Negotiation

After the Negotiation

1.

1.

2.

2.

3.

3.

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About the Authors

Sharon M. Weinstein

With over three decades of global healthcare experience, speaking,

training, and real-life, firsthand business experience, Sharon

Weinstein negotiated her way into The Kremlin Hospital and

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face it – negotiations are stressful!

She directed the Office of International Affairs for Premier, an

1800- hospital alliance, for over 10 years, and founded the

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Speaking Professional (CSP) designation, the highest earned international recognition for professional speakers. This makes her one of only 12% of all speakers to hold this designation and one of only 22 nurses in the world with this credential. The author of the award-winning, *B is for Balance*, 2nd edition, 12 steps;

Weinstein's work has been shared with participants across the country and around the globe. Companies such as: Premier, AIHA, Vistage, Sinai Hospital of Baltimore, Baptist Health System, Meritus Health, BD, Kaplan, YWCA, Kellogg Alumni, George Washington University Hospital, OR Managers, BMO Harris Bank, have partnered with Sharon when they want to negotiate for engagement, empowerment, and a win-all outcome.

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Stephen M. Weinstein left a lucrative career as a hospital Chief Executive Officer (CEO) to focus on wellness and prevention of amputations associated with diabetes. Weinstein was most recently with Doctors Community Healthcare for five years serving as Chief Executive Officer of CommunityCare, the District of Columbia's healthcare system, comprised of Greater Southeast Community Hospital, Hadley Memorial Hospital and DC General Emergency and Ambulatory Services. In addition, Steve oversaw the DC Healthcare Alliance. Before coming to the DC area, Steve was President of Michael Reese Hospital and Cancer Treatment Centers of America, Chicago. His prior experience includes CEO positions at three Chicago-

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More books by the authors

Sharon M. Weinstein

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