



THE NEGOTIATING PROCESS

In a seminar I led for a group of highly educated and culturally diverse women it became clear that their upbringing left them completely unprepared to negotiate. These are the topics we discussed and the questions raised. Here's my approach to turn the stress of asking into what I hopefully call a win-win situation. -Judy

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HOW DO YOU APPROACH THE NEGOTIATING PROCESS?

Are you prepared attitudinally and armed with the information you need to make your case? How do cultural differences affect negotiating? Do you have a plan in mind after your first meeting to continue the dialog?

One of the most important statistics about compensation for professional employees is that those who negotiate and ask for additional compensation either in base salary or other benefits receive higher compensation. Women, who have traditionally been far more reticent than men to speak up, consistently receive lower compensation than their male colleagues. Add to that, the increased focus on accommodating cultural differences where speaking up is not an option, and the problem becomes exacerbated.

This is not simply a factual issue, but an emotional challenge to recognize that long held beliefs will undermine a career. To succeed in a business, non- profit or educational environment will require a behavioral change.

“Silence is Golden” — Not in Negotiating.

In the gap of words unsaid is the clash of assumptions between what the leader/supervisor interprets the silence to mean and what the subordinate expects her silence to signal. Organizations declare Diversity and Inclusion as lofty values they embrace at the highest levels. Yet, proactively implementing D&I policies at the ground level are difficult and often are not getting done.

In reporting about a seminar, I led for a highly qualified mix of American and Asian professional women, there was an observation that particularly for Asians, negotiating is unheard of. Asking for additional benefits or a promotion are in direct opposition to their upbringing. It is considered rude. Instead, it is expected that she will be recognized for her work and promoted by her supervisor. Meanwhile, her (US-trained) supervisor is thinking, “There is no problem with this employee. She is performing well and has no complaints. If she has something to discuss, she will ask. Since she hasn’t, I’m not going to worry about it.” That supervisor is assuming his values are the same as hers.

Fixing this cultural disconnect that affects the workplace is what a company should be taking responsibility for under its D&I policies. Until these issues are addressed, employees will struggle with being caught between conflicting sets of values.

As I begin this series, here are the four pillars for successful negotiation:

- Attitude: a professional expectation and confidence about your request, do not be on the defensive and never make the discussion about being fair; this is a business decision
- Knowledge: You have researched industry and company practices and learned what you need to support your recommendation
- Preparation: you have reviewed and organized the information and talked with sources, counselors, and friends to help you clearly explain what you are asking for, and
- Plan: with all of this effort, outline how you will proceed with the process, timetable, actions and outcome. Assume you will need more than one meeting to accomplish your objective.



Be fully prepared for a discussion and take the time needed to be ready. You must feel confident and professionally comfortable about the conversation(s) you will have. Negotiating is one of the most critical issues either as you start a new job with a new compensation package or at your current employer and are asking for increased compensation, a promotion or additional benefits. Do your homework so you feel you can make a persuasive case for your request. Outline a plan to take you past the initial discussion about compensation to a desired outcome (or acceptable compromise.) Avoid confrontation by providing sufficient information to make the discussion professional and being sure your "ask" is in line (competitive) with industry practices.

There is more homework to do if you are negotiating with your current employer. In addition to knowing every element of your current compensation program, it is essential to understand what policies govern pay raises, where you fit within the range, and how frequently the review process occurs. If you are seeking a promotion, do you have a job description for that position and can you make the case you are performing at that level?

If there is a reason you are not being promoted, find out what you need to do to become fully qualified. Look outside the company for similar titled roles and informally ask (research through LinkedIn) general questions about salary ranges for similar positions. Meanwhile, after each discussion with your supervisor or HR representative, summarize the key points with a follow-up thank you note where you set expectations about next steps and are explicit about what was discussed. This will give you the basis to continue discussions for future opportunities.

<http://www.jc-a.com/approach-negotiating-process-negotiating-series-part-1/>

HOW DO YOU NEGOTIATE EFFECTIVELY WHEN YOU ARE ABOUT TO BE OFFERED A JOB AT A NEW COMPANY?

What is the underlying assumption in the first question that will undermine your ability to negotiate effectively? Here it is, “when you are at the point when the job is being offered to you.”

Negotiating is not a last-minute surprise where you have just days to think about terms. The key is anticipating and planning ahead. If you are to lay the groundwork for an offer you wish to accept, you must start early in the discussion about the job, and that is not hard to do these days. Interviews seem to drag on for months. This question indicates the candidate is assuming the hiring organization asks all the questions, has full control of the process and sets the agenda and timetable. Those are incorrect assumptions and will leave the candidate with very little room to negotiate terms.

One of the principles of negotiating effectively, is to influence the course of the interviewing process by asking reasonable questions and providing reasonable information about your situation in anticipation of the various steps necessary in the hiring process. For example, if you decide after the first in-person interview that you are very interested in the position, send a detailed email and thank you note about the job as you understand it. Begin to control the timetable for follow-up actions. Also, ask how many rounds of interviews are involved and when they will be ready to begin the next round. Explain that you are planning ahead “to be available” to meet their schedule.

Stay in constant touch and find reasons to provide information about your plans and when you can continue with interviews. If you are receiving a pay raise while interviewing, say that early in the process to set expectations about what terms you will want to consider. Update any compensation information you have already provided. You may be out of their range and here is where you can ask what the salary range is for the position. If there is insufficient compensation, there is no need to waste your time and theirs.

Provide a detailed picture of your total compensation when you know you are a possible finalist and you are very seriously interested in the position. NEVER provide just salary information. It is misleading and will set unrealistic expectations about what you will need to be paid to accept a new job.

Ask about benefits offered –or you can outline your current benefits so they know what they must match. If they provide a salary range, with the new laws about not asking for salary, you can say you are looking for a reasonable increase and indicate the range you are seeking. Hopefully there is a fit. (Most companies will look for the lowest acceptable figure in the range when extending an offer.)

At the time you are being offered the position, hopefully, the actual offer should be a reasonable amount that fits what you indicated you are looking for. If the offer is incomplete in that you do not know if the benefits program is adequate or there are questions to be resolved, for example, amount of vacation time, health care for the family, etc. I would very quickly ask to review the benefits material and then put your remaining questions in writing and ask for a meeting with an HR representative.



The representative could explain, for example, company stock awards. This might include the opportunity to buy co. stock at a discount, bonus potential, eligibility for salary review, specific information about your grade level and where you fit within the grade (to know if you are low, for example, and have room to grow or if you are high so you will have less room to negotiate a raise.)

Move as quickly as you can to review the information and let the hiring manager know what your timetable is to be ready to give an answer. Or, you could ask when an answer is expected. Reassure the hiring organization that you are very interested in the offer, so they will not worry that you will turn them down—if that is the case.

On the other hand, if you are very concerned that the offer is not what you want, and there is a significant gap, you need to let them know that you are ready to turn them down to see if that is the best they can do. If they are locked into a lower salary range and have no flexibility, it indicates problems on several levels and I would be very reluctant to accept an offer.

<http://www.jc-a.com/negotiating-offers-negotiate-effectively-offered-job-new-company-negotiating-series-part-2/>

WHEN IS IT APPROPRIATE TO ASK MY CURRENT EMPLOYER FOR A COUNTER OFFER WHEN I HAVE AN OFFER IN HAND? WHAT ARE THE RISKS?

I rarely think there is a case to be made for a counter offer to join a new organization. However, there are circumstances where, with full knowledge of the risks, an employee may approach his supervisor with an offer in hand (but not yet accepted) to discuss staying or leaving.

In some organizations, once an employee indicates s/he has an offer, that act indicates disloyalty. If the move is to a competitor, that is grounds for immediate dismissal and s/he is escorted out of the building. In other circumstances, particularly where the marketplace for talent is highly competitive, there is often a reaction where the supervisor asks if there is anything that can be done to affect the decision to leave. Or, the employee can approach the supervisor and say, "I have an offer but I have not yet accepted it. I wanted to discuss it before I make a final decision." In that case, the employee is opening the door to a counter offer.

If you have a good relationship with your current supervisor, and the company does want to retain you, they will want to know how much time there is to make a counter offer. I would provide the date you are planning to accept the offer (or a day earlier.)

The supervisor may indicate that this news comes as a surprise. He may ask if there is a way to address the issues that led the employee to consider a new opportunity. Or, the supervisor could share some options for growth or plans for a promotion. Your employer could also ask about details of the offer and decide to match (or come close to matching the offer.) This exercise does not become a ping pong game. There is only this one opportunity to negotiate staying.

Meanwhile, how do you handle this situation where you want to consider two options? You need to give you current employer time to make a counter offer while not putting the new offer at risk. It is time to walk a delicate line. I would ask for a reasonable amount of days to think about the new job offer, e.g. by the end of the week the offer is put in writing in final form. I would continue to express interest in the offer and say you are giving it a great deal of consideration. If any questions occur to you about the offer, this would be the appropriate time to nail down any remaining details (and give you more time to make your decision.)

As soon as you have the terms of the job offer in writing, you must move quickly to alert your supervisor or his/her supervisor of the situation and provide as much detail as they ask for. If they cannot move quickly enough, then you will have to accept or reject the offer on its own merits. Often, an offer is subject to passing a reference check that includes drug testing and it would be unwise to discuss a counter offer until you have a firm offer in hand (and have passed that test.) Worst case scenario If you do not wait until you pass the reference check, you could find the offer rescinded and your current employer unwilling to consider your request for a counter offer.

If you do accept a counter offer and remain with your current employer there are repercussions. There is a degree of mistrust that remains for having shown a degree of disloyalty. That can affect your future with the organization. If there is an opportunity for promotion, the fact you were willing to accept an offer to leave may affect that promotion. Impractical as it is, some organizations feel you should have had a dialog with them before you started job hunting or responding to a call from a recruiter.



In certain industry categories, especially, Silicon Valley, where there are too few outstanding senior level managers, stability is elusive and this concern does not apply. The expectation is that companies, jobs and candidates are all in transition and that what will keep candidates from moving on are lucrative retention agreements, bonuses and stock programs with a relatively short vesting cycle. What retains key employees are significant monetary awards that make it extremely difficult for another company to match or exceed current earnings.

<http://www.jc-a.com/appropriate-ask-current-employer-counter-offer-offer-hand-risks-negotiating-series-part-3/>

HOW DO YOU APPROACH YOUR CURRENT EMPLOYER WHEN YOU ARE PROACTIVELY SEEKING AN INTERNAL PROMOTION, A PAY RAISE OR ADDITIONAL ELEMENTS IN YOUR TOTAL COMPENSATION (INCLUDING BENEFITS) PACKAGE?

Here's a question about negotiating on your terms which can be seen as a risky proposition. If you are a senior officer in your company and have an employment contract, negotiating the terms when the contract is up for renewal, is a normal part of doing business with the company. However, deciding to step forward and ask for an increase in your compensation package at a managerial or professional level can be a risky step.

Your supervisor can see this request as an indication you are restless and ready to look beyond the department for a better situation. He may see your action as inappropriate. He may feel his judgment is being questioned since you felt the need to ask rather than wait for him to offer you a promotion and/or an increase in compensation.

On the other hand, your request can be seen by your immediate supervisor as a positive step where you are asserting your interest in growth and moving ahead to greater challenges in the company. That is a selfless attitude and indicates the supervisor is looking at the bigger picture and responding to your request in order to retain you. That will allow you to make even more significant contributions to the organization over a longer time with the organization. Instead of quietly becoming under-utilized and moving on, you are saying, "I'd like to stay and contribute using my full potential." It might be good to include that message in your letter with your initial request to discuss your performance.

My recommendation is if you feel you are ready for a promotion or for an increase in compensation, then you should carefully assess your relationship with your supervisor and his supervisor and most likely move ahead. Having those two levels of management involved, I think, elevates the conversation and encourages longer-term thinking.

Before taking any action to request an appointment for a review you must be thoroughly prepared by finding out what company policies are re: guidelines for frequency of reviews and salary range caps. There is no point in asking if your supervisor is limited in what s/he can grant.

If you have an annual or semi-annual formal meeting to discuss performance and increases, that is when to prepare your request in writing for a meeting and outline the points for discussion. Since your employer is busy, start 4-weeks ahead of your normal date for a review to request a time for discussion. It may take a second or third follow-up to pin down a specific in-person meeting. Ask for a response within 10-days to firm up a meeting and then send a reminder if needed.

When you request the meeting attach a note indicating the points that you would like to discuss. Be clear that you are focusing on your future with the current organization and you are hoping your action will encourage company loyalty and stability as you continue to be challenged. There is no need to outline all the details in your request for a meeting. However, prior to the meeting I would recommend that your preparation for the in-person meeting includes all the points you consider relevant. Is your current job description reflective of what you are accomplishing? Is it time to revise your job description? Can you do a comparison with what you are accomplishing and what an officer that is one job above yours describes as his/her responsibilities? How close are you re: skill sets and experience to being qualified for that role? Discuss what will qualify you for a promotion. Suggest a plan be created that you will follow for that to occur.



Follow-up and write a quick summary of the meeting and what was agreed to and send it to your supervisor and his supervisor. Also, agree upon follow-up meetings on a regular basis to see if you are doing incrementally better. I suspect the more factual you can be to provide statistics about comparable jobs outside the organization, e.g. salary, additional compensation and benefits, the more reasonable your request appears for an increase.

Professionalism and an orderly plan of action with regular meetings to mark progress will put this entire process on high ground. It will establish you as a thoughtful and fair employee who respectfully and reasonably follows-up regularly until there is an agreement about compensation and other issues are resolved.

<http://www.jc-a.com/approach-current-employer-proactively-seeking-internal-promotion-pay-raise-additional-elements-total-compensation-including-benefits-package-negotiat/>

HOW DO YOU APPROPRIATELY ANSWER LEGALLY PERMITTED SALARY-RELATED QUESTIONS?

With the new laws in some states that say employers can't ask for salary information (but you can provide it if you wish) how do you answer the legally permitted salary-related questions they will ask? What information should you be prepared to provide?

My first piece of advice is NEVER volunteer salary information until you know you are a finalist. These new regulations give you the opportunity to provide the right information that accurately reflects the total compensation you receive. However, to do that you must anticipate the questions and have a great deal of information at your fingertips. Share it, as needed, at the appropriate stage in the hiring process.

I have always felt that asking a job seeker what his/her current salary is during a first interview is the wrong question to ask. Very often, the figure is used to judge if the potential candidate should be considered for or eliminated from consideration. That is a shortcut busy recruiters incorrectly use and it is offensive and misleading. Here's why.

The salary can be a relatively small part of total compensation and is not indicative of the true level of accomplishment of the candidate. Or, the candidate may have gained experience in a low-paying industry or non-profits and is earning well below the range offered. Ruling him/her out due to being underpaid (and therefore lacking suitable experience) is simply a mistake.

Being overpaid is another problem and a candidate may tackle that head on saying s/he is willing to consider appropriate compensation for the role recognizing that his/her current salary is above the range offered.

If a candidate appears qualified and provides a "suitable" salary figure that the interviewer feels is within the range, then she will refer the candidate for the next round of interviews. That figure is most likely a misleading number that will accompany the interview notes about the candidate until the offer stage. It can create problems at a critical time for negotiating terms when the finalist will be compelled to correct the figure(s). This potentially can undermine the hire if the correct numbers are significantly above the hiring manager's expectation. It certainly has a negative impact on the entire hiring process.

Eliminating the salary question from the interview will challenge company representative to become creative in obtaining approximately the same information before these regulations were instituted. However, it will give the job seeker more latitude to initially provide a comprehensive number that more accurately reflects the total value of his/her current compensation. It also means that a finalist may be more flexible about a salary increase if it is part of a package, with all the additional benefits the finalist is seeking. Extending an offer and adding a comprehensive benefits program, can mean a more lucrative package than a generous salary increase.

If you are in the initial interview when the new version of the salary question is asked, "What is the salary range that you are seeking?" I would immediately redefine this irritating question into a discussion that starts with a statement that there are many components that add up to a total compensation figure which is more accurate. I would be prepared to mention them and also list them in a follow up email with the one total compensation number that can be included in a summary of the meeting that you include in the in the thank you note to share with the interviewer. That is as far as I would go initially.

At the offer stage it would be appropriate to outline in detail what benefits are negotiable and what are not. Putting an informational list together to share in advance of an in-depth discussion will be extremely valuable. It will also be appropriate to provide anticipated awards such as bonus payments and stock awards with a vesting schedule.

Since the hiring process frequently takes several months, plan to provide quarterly updates about your financial picture, possibly including special awards presented to you and other recognition from your current employer. That will make negotiating the offer much easier. Do not wait to be asked. Here are the key points to remember.

- Ignore requests for salary. Focus on your total compensation figure
- Negotiating a compensation package as you consider a new job, is time-consuming. Take the time to do your homework in advance of starting a formal job search.
- The hiring organization will want to hire you for a fair and reasonable compensation program. However, it is your job to provide all the needed information.
- The more careful you are and the more you can anticipate what information is needed, the better the outcome.
- Assume you need to provide details without being asked and stay in regular contact about financial matters.
- If there is a significant gap in what your total compensation needs are and what the hiring organization can offer, be clear and firm about disengaging from the process. Leave the door open to continuing the conversation if the compensation range changes.

<http://www.jc-a.com/appropriately-answer-legally-permitted-salary-related-questions-negotiating-series-part-5/>

HOW CAN YOU NEGOTIATE WHEN YOU CAN'T WALK AWAY FROM AN OFFER?

Every negotiation I've ever read says that you can negotiate from strength IF you can walk away from the deal—IF you can ultimately say no. How can you adjust the terms of a job offer if you have no leverage and can't afford to reject an offer? Here's how to rethink the framework of your negotiating position.

The negotiation process that is normally assumed does not necessarily apply to a job offer. The normal approach is adversarial. You want as much as you can "win" and the hiring organization wants to offer the minimum that you will accept. That underlying assumption does not necessarily apply here, and it may take an enlightened explanation on your part to convince the hiring manager to adjust his thinking. My assumption is that the offer is for a permanent, hopefully, long-term assignment.

Here's how I would frame the discussion. I would start by saying, "If you were hiring me for a short-term position, to solve a short-term problem, I could see where you would be looking to engage my services for the lowest cost. You might not see a reason to establish a long-term relationship. However, I think we both anticipate that I am joining the organization shortly and understand this negotiation is one of the first steps in building a respectful, productive and professional long-term relationship. I hope it will last for many years."

The negotiation at this point becomes a discussion where both parties believe they have "won." It is in their best interests to come to terms that are fair and equitable, where both are satisfied with the process and the communication with each other. That means the new hire will respect the company's policies and organizational constraints, e.g. salary range limitations, vacation time-off policies and stock grants while the new hire will have his issues and financial requirements addressed. The process of listening and accommodation usually ends successfully for both parties.

The fact that you can't turn the offer down doesn't mean you can't discuss details of the offer with your new supervisor or HR representative. It does mean that, immediately upon being given the offer, you indicate you are planning to accept it. However, you do want to discuss the terms and ask several questions. These can be for example, the salary review policy (if the offer is lower than desired initially) or can the salary can be increased or a sign-on bonus be considered to account for losses in benefits, etc. These items, if quantified, are the reason for sign-on bonuses and are frequently accommodated.

It is a very encouraging sign if your new employer does listen and makes an effort to respond to your needs. It is also an excellent signal that you graciously accept the terms, understanding that you have been listened to and this is the best effort at compromise. Hopefully, this conversation will leave the door open to future productive discussions once you have demonstrated your value to the organization.

You are not making any of these requests non-negotiable. Instead, you are exploring if there are ways to make the offer more attractive. If the answer is that there are very few items that can be adjusted, you are still able to accept the offer since you indicated you intended to work for the organization. There is no sense of losing face since this was resolved amicably.

<http://www.jc-a.com/can-negotiate-cant-walk-away-offer-negotiating-series-part-6/>

HOW CAN I ACHIEVE MY COMPENSATION GOALS WHEN THE EMPLOYER'S POSITION SEEMS SO REASONABLE?

Here is the first in several questions that were raised in the seminar about Negotiating where it was clear that cultural factors were preventing highly educated and very smart women from speaking up and asking for what they felt they deserved.

The specific question was "I know what I want and am asking for it, but I get talked out of it because their position seems so reasonable. How can I make a better case?"

Making a case for an increase in salary and/or benefits should be based on several factors that fit the policy of the company:

- Are you performing at a higher level than your job description? Can you bring in a copy of your job description and a rewritten version to make the case?
- Has your performance review indicated you are performing in an outstanding manner which means you should be higher in your range?
- Are industry statistics telling you that you are underpaid for what you are doing?
- Are there any other factors that come into play? Are you doubling up on work due to a lack of staffing?

The point is you need to make a factual and strong case for asking for an increase. Your request is more than reasonable; you deserve what you are asking for. All of these points should be in writing.

If the company is suffering unexpected losses or is cutting back on staff, then they simply might not have the funds to respond to your request. Otherwise, I would insist that your points have merit and they give serious consideration to your request. I would also ask for a follow-up meeting to discuss what might be possible to offer such as a special bonus, a guarantee of an increase within a period of months (and the range) and any special benefits that matter to you.

Be firm and know that your case is just as reasonable, if not more so, than what they are saying.

<http://www.jc-a.com/can-achieve-compensation-goals-employers-position-seems-reasonable-negotiating-series-part-7/>

DOES IT MAKE EVER SENSE TO ACCEPT A JOB OFFER WITHOUT NEGOTIATING THE COMPENSATION PACKAGE?

Here is the second in several questions that were raised in the seminar about Negotiating where it was clear that cultural factors were preventing highly educated and very smart women from speaking up and asking for what they felt they deserved.

The specific question raised was "I received a great offer right off the bat. Should I just go with that and call it done?" The underlying question is when to know if you should negotiate for a better package even though the job offer meets your compensation goals.

First, congratulations to anyone who receives an offer that is what they want. If it were received because you were careful in presenting your compensation picture and indicated the range and scope of benefits you were seeking, that is even better. It means your new employer was listening to you.

I would indicate that you expect to accept the offer and that you would like to review several benefit programs in detail. That is a very encouraging and professional response. At this point, I would simply ask for time to review the total picture, e.g.

- What are the specifics of the health and insurance plans?
- What vacation time do you qualify for?
- What is the temporary housing benefit (if a relocation is involved)?
- When are you eligible to join the new health plan?

Once that information is provided and any routine reference checks have been completed (including financial and drug testing) the offer letter can be signed, and a start date agreed upon.

This is also the time to mention any prearranged and paid for vacation, so without any additional discussion, you can plan to take that time off without pay. Please remember to discuss any factors that could affect your start date, e.g. bonus distribution, vesting date, etc.

<http://www.jc-a.com/make-ever-sense-accept-job-offer-without-negotiating-compensation-package-negotiating-series-part-8/>