

GLOSSARY OF LABOR TERMS



Accretion — The addition or consolidation of new employees to or with an existing bargaining unit.

Across The Board Increases — A raise in wages, in terms of dollars or a percentage, given at one time to all employees, or to a large group of employees. This is distinguished from a raise that gives different rates of increase to different groups of employees.

Administrative Agency — A neutral agency that is charged with administering certain laws. For example, in Washington, the Public Employment Relations Commission (PERC) administers the public sector labor relations laws.

Agency Shop — A union security provision in a collective bargaining agreement that calls for non-union employees in a bargaining unit to pay to the union an “agency fee.” (See Union Security Clauses.)

Agent — A person who acts on behalf of either the union or the employer. Any illegal actions the agent commits, such as unfair labor practices or discriminatory conduct subject to court litigation, may implicate the employer or union he or she represents, even if the illegal act was not authorized or approved. Stewards who are officially appointed by the union are the union’s agents.

Alternative Dispute Resolution (ADR) — The use of dispute resolution techniques as an alternative to the courts or federal regulatory agencies. Examples of such techniques include mediation, fact-finding, and arbitration.

American Federation of Labor - Congress of Industrial Organizations (AFL-CIO) — A federation of unions created in 1955 by the merger of two more specialized federations - the American Federation of Labor and the Congress of Industrial Organizations. The AFL-CIO is not in itself a bargaining agent. Its primary functions are: education, lobbying, and assisting constituent unions in organizing. The International Federation of Professional and Technical Engineers (IFPTE) is affiliated with the AFL-CIO.

Arbitration — A method of settling a dispute by having an impartial third party hold a hearing, take testimony, and render a decision. The decision is usually binding upon the parties.

Arbitration, Grievance — The arbitration of disputes that arise through a grievance filed under the existing collective bargaining agreement.

Arbitration — Arbitration is used to settle a negotiation impasse. It is usually employed after mediation and/or fact-finding have failed to resolve the conflict.

Arbitrator — An impartial third party to whom disputing parties submit their differences for a decision.

Back Pay — A remedy that compensates an employee for unpaid wages. For instance, an arbitrator may award back pay to an employee whose discharge lacked just cause.

Bargaining Unit — A group of positions determined by job title, classification or duties, with sufficiently common interests to be legally represented by a union.

Bumping — The exercise of seniority rights by longer-service employees to displace junior employees when economic conditions require temporary lay-offs or the discontinuance of departments. Bumping rights also may be granted to obtain preference in choice of shifts, dates of vacation periods, length of vacation, and retirement benefits.

Call-Back Pay — Compensation, typically at higher pay rates, for workers called back on the job after completing their regular shifts. Contracts can call for workers to receive a minimum amount of pay when called back to work, regardless of the number of hours they actually work.

Caucus—A meeting of a small group to plan strategy. Often applied to a bargaining team meeting to discuss proposals and determine bargaining strategy.

Closed Shop — A union-security arrangement — illegal under federal and state labor laws — where the employer is required to hire only employees who are members of the union.

Coalition Bargaining — The joint or cooperative efforts of a group of unions to negotiate contracts with the employer. The unions and or bargaining units usually sit together at the bargaining table to negotiate one agreement or a set of identical agreements.

Collective Bargaining — A method of determining wages, hours and conditions of the employees. The results of the bargaining are set forth in a collective bargaining agreement. Collective bargaining is to be distinguished from individual bargaining, which applies to negotiations between a single employee and the employer.

Collective Bargaining Agreement (CBA) — A written agreement or contract that results from negotiations between an employer and a union. The CBA sets out the working conditions of employment (wages, hours, and working conditions that are permissible under the law) and ways to settle disputes and grievances. Collective bargaining agreements run for a definite period of three years or less.

Community of Interest — A criterion used to decide whether a group of employees who want to be represented by a union make up an appropriate bargaining unit. A community

of interest exists if there is similarity of skills and duties, common supervision, common hours, wages, and working conditions.

Complaint — The document that initiates formal proceedings in an Unfair Labor Practice (ULP) case. The complaint sets forth all allegations and information necessary to bring the case to hearing.

Confidential Employee — An employee whose unrestricted access to confidential personnel files or to knowledge or information pertinent to the labor relations activity of the employer makes him or her inappropriate for membership in a union.

Consumer Price Index (CPI) — A measure, compiled by the U.S. Department of Labor, of the average change in prices paid by urban consumers for a “market basket” of goods and services, including food, clothing, shelter, transportation and prescription drugs. The items in the index are averages that relate to their importance in overall spending. The increase in the CPI is what most people think of as the “inflation rate.” CPI data is widely used in collective bargaining agreements to specify adjustments in wages.

Coordinated Bargaining — Multiple unions negotiate simultaneously at different locations, attempting to refrain from settlement until all are ready to settle on substantially the same terms. (See also Coalition Bargaining).

Costing Out—The process of determining the actual cost of a contract proposal or agreement.

Counter Proposal— An offer made by one party in collective bargaining negotiations in response to a proposal by the other party.

Cost-of-living Adjustment (COLA) — An annual adjustment in wages to offset a change (usually a loss) in purchasing power, as measured by the Consumer Price Index (CPI).

Demotion — Moving an employee to a position lower in the wage scale or in rank. It may be in the form of a disciplinary penalty, or it may be voluntary to avoid layoff.

Disability — The inability of individuals to perform their ordinary or customary work or routine because of injury. Also, under the Americans With Disabilities Act, a “disabled” person has a physical or mental impairment that substantially limits a major life activity, has a past record of impairment, or is regarded by others as having an impairment.

Discharge — Dismissal of an employee, usually for breaking specific rules or policies, incompetence, or some other justifiable reason. Collective bargaining agreements protect employees from arbitrary or discriminatory discharge.

Discipline — The action taken against an employee for misconduct, rules infraction, or dissatisfactory job performance.

Dues Check-Off — A system by which union dues are deducted from employees' paychecks, either automatically or on specific employee authorization.

Dues, Union — The monthly or yearly sum paid by union members to their local unions. The amount of dues is set by the local constitution. Dues are used to finance the labor relations activities and union administration. A portion of the dues is sent to the international union in the form of a per capita tax.

Duty of Fair Representation — A union's obligation to represent fairly all bargaining unit members in negotiations and in the administration of the agreement, without discrimination or arbitrary conduct.

Duty to Bargain—The legally enforceable obligation of each party in a collective bargaining relationship to meet at reasonable times and places, and negotiate in good faith with respect to wages, hours, and terms and conditions of employment.

EEOC — Equal Employment Opportunity Commission, a federal agency charged with enforcing the federal anti-discrimination laws.

Employee Benefits — Any form of employee compensation other than direct wages, such as a pension plan or a health and welfare plan. Commonly known as “fringe benefits.”

Fair Labor Standards Act — A federal statute, the FLSA was enacted in 1938 and sets minimum hourly wages and maximum daily and weekly work hours after which overtime must be paid to nonexempt employees. However, in 2004, some of these laws were changed. Go to the U.S. Department of Labor's website (www.dol.gov) for the latest rules.

Fair Share — A fee paid to the union by members of a bargaining unit who have not joined the union. The fee covers the services of the union in negotiating a contract and grievance arbitration procedures. See Agency Shop, Union Security Clauses.

Federal Mediation & Conciliation Service (FMCS) — The federal agency supplying mediators and arbitrators to union and management to solve negotiating impasses or to settle strikes. The agency staff also provides training on a variety of topics, such as interest-based bargaining.

Fringe Benefits—Compensation in addition to direct wages such as paid vacations and holidays, overtime, medical insurance, and pensions.

Good Faith Bargaining — The legal obligation of both union and management to make reasonable efforts to settle grievances and negotiations. Lack of good faith bargaining may be an unfair labor practice.

“Grandfather” Clause — A contract provision stipulating that those employees on the payroll before a specified time will not be subject to certain terms of a new contract.
Grievance — A problem or complaint as defined by the collective bargaining agreement.

Interest Arbitration — Arbitration used to settle a negotiation impasse. The arbitrator makes a decision on what will be contained in the agreement. It is usually employed in limited situations after mediation and/or fact-finding have failed to resolve the conflict.

Illegal Bargaining — Items which by federal or State law may not be bargained. For example, a closed shop and clauses promoting discrimination are barred.

Impasse—That point in collective bargaining negotiations at which either party determines that not further progress can be made toward reaching an agreement.
Informational Picketing — Picketing to publicize either the existence of a labor dispute or information concerning the dispute.

Interest-Based Bargaining — A collective bargaining approach in which group problem-solving, open communication, cooperation, and the mutual interests of the union and the employer are emphasized.

International Union — The national or “international” organization of a labor union. (The term “international” is used because many unions have affiliates in Canada.) It is financially supported by a per capita tax on all its members. Its functions include: chartering local unions and conducting education and research. Local 17’s international union is the International Federation of Professional and Technical Engineers (IFPTE).

Investigatory Meeting (Interview) — A meeting in which the employer requests to meet with an employee to examine the employee’s conduct on the job. (See Weingarten Rights). An employee may be represented by the union at an investigatory interview with the employer when the employee reasonably believes that the interview may lead to disciplinary action.

Local Union — The basic unit in union organization, a local, such as Local 17, has its own constitution and by-laws, elects its own officers, and is chartered by an international union. Local 17 is affiliated with the International Federation of Professional and Technical Engineers, AFL-CIO.

Lockout — The shutdown of a facility by the employer to discourage union membership or activity or to enforce economic demands.

Loudermill — A U.S. Supreme Court decision in 1985, Board of Education v. Loudermill. This decision established what have come to be called “Loudermill Rights” for public employees. Loudermill Rights apply to incidents of involuntary termination. Prior to being terminated, “the . . . tenured public employee is entitled to oral or written notice of the charges against him (or her), an explanation of the employer’s evidence, and an opportunity to present his (or her) side of the story.”

Maintenance of Membership — A form of union security requiring anyone who is a member of the union at the time the contract is signed to remain a member. This does not require nonmembers or new employees to join.

Make Whole — The remedy for an employee who was illegally discriminated against by an employer. For example, an employee discharged for union activity is “made whole” by being reinstated, receiving back pay, seniority and benefits he or she would have enjoyed if there had been no discrimination.

Management Rights — Rights reserved by management that are not mandatory subjects of bargaining. They include such things as hiring of employees, methods of production, and scheduling of work.

Mandatory Bargaining — Those items included under “wages, hours and working conditions” over which the union and employer must bargain in good faith.

Mediation — The use of a third party to end negotiating impasses or workplace disputes. The mediator, usually from the Inter-Local Conflict Resolution Group, FMCS, or PERC, may make suggestions or seek compromises but does not require union and management to accept suggestions.

Mediator — An impartial third person who acts as a facilitator or go-between, suggesting possible avenues for resolving disputed issues.

Merit Increase — An increase in employee compensation awarded on the basis of that person’s performance.

Merit System — An employment scheme, common in civil service, in which the selection of an employee for entry-level positions, promotions or pay raises are based on the employee’s capabilities and experience.

National Labor Relations Act (NLRA) — The federal law passed in 1935 that created the National Labor Relations Board, guaranteed employees the right to organize and join unions and to bargain collectively. The NLRA was later amended by the Labor Management Relations (Taft-Hartley) Act of 1947 and the Labor-Management Reporting and Disclosure (Landrum-Griffin) Act of 1959. (This act applies only to private sector employees).

Negotiation — The process whereby the union and the employer meet to reach agreement on wages, hours and working conditions and on methods for administering the agreement.

No-Lockout Clause — A provision in a collective bargaining contract in which the employer agrees that the employer will not close down the operation in order to force the employees to accept terms for a collective bargaining agreement.

No-Strike Clause — A provision in a collective bargaining contract in which the union promises that during the life of the contract the employees will not engage in strikes, slowdowns, or other job actions.

Open Shop — A workplace in which union membership is not required as a condition of obtaining or retaining employment.

OSHA (Occupational Safety and Health Act) — The federal law that establishes workplace health and safety standards.

Overtime — Premium pay consisting of an amount over an employee's regular daily or weekly pay. Although bargaining agreements may grant employees more generous rights to overtime pay, the Fair Labor Standards Act (FLSA) establishes the requirements under the law.

Past Practice — A reasonably uniform response to a recurring situation over a substantial period of time which has been recognized by management, the union and the employees implicitly or explicitly as the proper response. For example, employees are allowed a few minutes returning from breaks because the break room is distant from their workplaces.

PERC (Public Employment Relations Commission) — The State labor relations agency empowered under RCW 41.56 to administer the public sector collective bargaining statute.

Permissive Subject of Bargaining — Those items over which union and management are not required to bargain but may do so if they both agree.

Picketing — Patrolling outside the premises of an employer to organize employees, gain recognition as a bargaining agent, or publicize a labor dispute.

Post-hearing Brief — A persuasive document that summarizes the arguments made at an arbitration. It is submitted to the arbitrator after the hearing is completed.

Premium Pay — Additional money is paid to an employee for certain types of work. (E.g. night shifts, overtime or hazardous work.) Premium pay is paid in addition to the regular pay to compensate employees for the special effort required, the unpleasantness of the work, or for the inconvenience of the time during which the work takes place.

Public Employment Relations Commission (PERC) — See PERC above.

Ratification—Formal approval of a newly-negotiated agreement by a vote of an employer's governing body or by the employees in a bargaining unit. Who may vote in a union ratification is determined by the union.

Refusal to Bargain — Findings made by an administrative agency indicating that either the employer or the union has failed to bargain in good faith. The refusal to bargain may be indicated by specific actions (such as adding new demands during negotiations) or by

the overall behavior of the union or management during negotiations. See Good Faith Bargaining.

Reinstatement — the restoration of employees to their former or substantially equivalent positions without the loss of seniority or other benefits. Reinstatement may result from an arbitration decision regarding an employee's improper discharge or a decision involving unfair labor practices. Reinstatement may occur with or without back pay.

Re-opener Clause — A provision in a collective bargaining agreement stating circumstances under which wages and other issues can be renegotiated while other terms of the agreement remain in force. Often called a "re-opener."

Retroactive Pay — Income due to employees when a new contract provides for a wage increase for work completed prior to the effective date of the contract, often dating back to the expiration of the previous agreement.

Right to Strike — The right to stop work for the purpose of gaining concessions from the employer, available to employees in the private sector under federal laws. Washington State law does not grant public employees a right to strike, but it also does not forbid it.

Scope of Bargaining — The range of issues that management and unions bring to negotiations. Disputes over whether a demand is an appropriate subject matter for bargaining are resolved by administrative agencies and the courts. See mandatory and permissive subjects of bargaining.

Seniority — an employee's status determined by length of continuous employment, used to determine which employees should secure advantages at the workplace (e.g., promotion, shift assignment, or layoff survival), and to measure employee entitlement to benefits. Example: Seniority clauses may determine which employees will be laid off and recalled. (See Bumping.)

Seniority List — A list of individual employees ranked in order of seniority.

Severability Clause — A collective bargaining agreement may also incorporate a severability or "savings" clause so that if part of the agreement is held to be invalid or unenforceable, the rest of the contract will remain in effect.

Slowdown—A deliberate reduction of work by employees in order to bring economic pressure upon an employer without invoking an actual strike.

Steward — The member-leader who carries out union duties (e.g., handling grievances) and who is elected by union members or appointed by union staff.

Strike — Stopping work for the purpose of gaining concessions from the employer.

Subcontracting — A procedure to sublet certain work to subcontractors rather than have bargaining unit employees perform the work, frequently on the asserted grounds that the work can be performed more efficiently and at less expense. Many negotiated agreements specify the conditions under which work previously performed by the bargaining unit employees may be subcontracted.

Supervisor — A person possessing the employer's authority to hire, transfer, suspend, promote, layoff, recall, discharge, assign, reward, or discipline other employees, or to effectively recommend such action. Typically, supervisors either are excluded from union coverage or placed in separate bargaining units.

Title VII (Civil Rights Act of 1964) — Often referred to simply as "Title VII," this federal law prohibits employers, unions, and employment agencies from discriminating against any employee or job applicant on the basis of race, color, sex, religion, national origin, or pregnancy.

Unfair Labor Practice (ULP) — Conduct on the part of either union or management that violates provisions of federal or state labor laws. For example, management may commit a ULP by refusing to bargain in good faith.

Uniformed Services — Public employees, usually police, firefighters and transit workers, who are covered under different labor relations statutes than other public employees. If impasse is reached in negotiations with uniformed personnel, by statute they are barred from striking and must use the interest arbitration process.

Union Security Clause — A contract provision designed to protect the union as an organization by requiring that all employees in a bargaining unit contribute to costs of collective bargaining. May be an agency fee or maintenance of membership clause.

Union Shop — A bargaining unit covered by a union security clause stipulating that the employer is free to hire whomever it chooses, but new employees must join the union as a condition of employment within a specific period of time (by law, not less than 30 days) after their date of hire and retain union membership as a condition of continued employment.

Weingarten Rights—The employee's right to union representation. The rights of employees to have present a Union Representative during investigatory interviews were announced by the U.S. Supreme Court in a 1975 case (NLRB vs. Weingarten, Inc. 420 U.S. 251, 88 LRRM 2689). These rights have become known as the Weingarten rights. Employees have Weingarten rights only during investigatory interviews. An investigatory interview occurs when a supervisor questions an employee to obtain information, which could be used as a basis for discipline or asks an employee to defend his or her conduct. If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation.

WISHA (Washington Industrial Safety and Health Act) — The State law governing workplace safety and health. WISHA and its administrative agency, the Department of Labor and Industries, set standards for safe workplaces, monitor workplace conditions and investigate health and safety complaints.

Work to Rule — A job action in which workers cause a slowdown by doing only the minimum amount required by the rules of the workplace

Workers' Compensation Programs — State-mandated insurance programs requiring the payment of benefits to workers suffering from occupational diseases or injuries sustained on the job.

Zipper Clause — A contract provision that states that the contract is the complete agreement.