

LIUNA NEW OFFICERS GUIDE

APPENDIX

A Glossary of Selected Labor Terms

Bargaining Unit: A group of employees in a work place that has enough work-related interests in common to justify becoming a unit for purposes of collective bargaining. A bargaining unit is usually defined by the National Labor Relations Board or similar federal, state, or local agencies.

Beck Rules: Based on a 1988 Supreme Court ruling requiring local unions to identify charges associated with activities necessary to represent workers from those related to non-representational activities, such as political action and new organizing.

Certification: Official recognition by some impartial labor relations board that an employee organization is the exclusive representative for all the employees in an appropriate bargaining unit for the purpose of collective bargaining.

Common Situs Picketing: A form of picketing in which employees of a struck employer who work at a common site with employees of at least one neutral employer may picket only at their entrance to the worksite. The employees of neutral employers must enter the work place through other gates. Picketing is restricted to the entrance of the struck employer so as not to encourage a secondary boycott on the part of the employees of a neutral employer.

Concerted Activity: The rights, protected by the National Labor Relations Act, of two or more employees to act in concert to form, join, or assist labor organizations in order to affect their wages, hours or work or working conditions.

Decertification: Withdrawal by a government agency, such as the National Labor Relations Board, of a union's official recognition as exclusive bargaining representative. The NLRB will withdraw certification if a majority of employees vote against union representation in a decertification election.

Double-Breasted: A unionized contractor that sets up a non-union company to underbid or compete with its union company.

Duty of Fair Representation (DFR): The union's obligation, as the exclusive bargaining representative of a group of employees, to represent fairly all employees in the bargaining unit in grievance handling as well as contract negotiations.

Economic Strike: A work stoppage by employees seeking economic benefits such as wages, hours or other working conditions.

Exclusive Representative: The employee organization that, as a result of certification by a labor board, has the right to be the sole collective bargaining agent of all employees in an appropriate bargaining unit.

Fiduciary Obligations: Obligations of trust imposed by law on union officials with respect to the union funds and the fair representation of members in collective bargaining. Also applies to duties associated with serving on a trust fund.

Free Rider: An employee who fails to join a union that has negotiated a contract over his/her wages and working conditions, all the while benefiting from that contract.

Fringe Benefits: Vacations, holidays, insurance, medical benefits, pensions, training, and other economic benefits that are given to employees under a union contract, in addition to direct wages.

Good Faith Bargaining: Negotiations in which two parties meet and confer at reasonable times and exchange proposals with open minds and the intention of reaching agreement over a new contract. (Bad faith bargaining is the reverse of this process.)

Grievance: Any type of worker dissatisfaction, including violation of the collective bargaining agreement, policies, past practice, standard fair treatment law, etc. that the union pursues on behalf of the worker.

Grievance Arbitration: A dispute resolution process whereby a neutral third party--the arbitrator--hears a grievance and makes a decision which is usually both final and binding on both parties. This process is used when the grievance procedure fails to produce a resolution of a grievance.

Impasse: In general usage, a term referring to a situation where two parties cannot agree on a solution to a dispute. For collective bargaining purposes, if an impasse is reached, the employer is legally permitted to unilaterally impose its last offer.

Informational Picketing: Picketing done with the express intent not to cause a work stoppage, but to publicize either the existence of a labor dispute or information concerning the dispute.

Injunction: A court order which either imposes restraints upon action, or directs that a specific action be taken and which is, in either case, backed by the court's power to hold disobedient parties in contempt.

L-M Reports: The annual financial statement of income and expenses, including the salaries of union officers and staff. Unions are required by law to file them annually with the Labor Management (LM) Division of the Department of Labor.

Lockout: Management's closing of a plant or a business or wholesale dismissal of employees because of a labor dispute.

Management Rights Clause: A provision in many contracts that defines the employer's rights to operate unilaterally, usually with respect to issues outside the scope of the contract, or otherwise not included within the collective bargaining agreement. One example would be the right to establish a production schedule.

Mandatory Subjects of Bargaining: Those items included under wages, hours, and other terms and conditions of employment over which either side (union or employer) must bargain if the other side proposes it. An employer may not make a change in a mandatory bargaining subject without providing prior notice to the union and an opportunity to bargain.

Mediation: A procedure used in contract negotiations where a neutral third party facilitates the process of reaching agreement. Mediators do not make binding decisions; they work toward reaching voluntary agreements.

National Labor Relations Board: Quasi-judicial agency set up under national or state labor relations acts. Its duties are: to issue and adjudicate complaints charging unfair labor practices, and require such practices be stopped; and to certify bargaining representatives for employees in their dealings with employers.

No Raiding Pact: An agreement between unions not to attempt to organize workers already represented by another union.

Open Shop: Where employees do not have to belong to the union or pay dues to secure or retain employment by a company, even though there may be a collective bargaining agreement which covers all workers. The union is obligated by law to represent members and non-members equally.

Past Practice: A customary way of doing things, not written into the collective bargaining agreement. Past practices can sometimes be enforced through the grievance procedure if the practice has been longstanding, consistent, and accepted by the parties.

Permanent Replacements: Under current labor law, when employees engage in an economic strike, the employer has the right to hire permanent replacements. After the strike has ended, if there is no back to work agreement reached between the union and the employer, employees replaced during the strike are put on a preferential hiring list and must wait for openings to occur. However, in the case of unfair labor practice strikes, the strikers must be reinstated with few exceptions.

Portal to Portal Pay: Pay adjustment to account for workers traveling long distances to get to a remote job site. Generally paid as a predetermined amount, as opposed to a mileage reimbursement.

Precedent: A finding, ruling, or decision that governs future grievances over the same issue even if the contract is silent on the matter.

Ratification: Formal approval of a newly negotiated agreement by vote of the union members affected.

Representation Election: A vote conducted by an appropriate labor board or agency to determine whether a majority of the workers in a previously established bargaining unit wish to be represented by a given union.

“Right to Work” States: States which have passed laws prohibiting unions from negotiating union shop clauses in their contracts with employers covered by the NLRA. Unions often refer to them as “right to work for less” states.

Runaway Shop: A unionized plant transferred to another location in order to evade bargaining or bust a union.

Salting: When a worker secures employment at a non-union workplace with the ultimate goal of organizing the employees.

Scab: A person who continues to work, or who accepts employment, while the workers are on strike. By filling their jobs, the scab may weaken or break the strike.

Seniority: Preference accorded employees, based on length of service with an employer, in such areas as layoff, recall, promotion, transfer, vacation accrual, scheduling, etc.

Service Fee: A monetary assessment of non-members of a bargaining unit used to help defray the union's costs in negotiating and administering a contract.

Side Agreement: An agreement outside the main collective bargaining agreement. It usually covers gaps, or clarifies misunderstandings, and is considered enforceable.

Strike:

- **Economic Strike:** A work stoppage by employees seeking economic benefits such as wages, hours or other working conditions.
- **Unfair Labor Practice Strike:** Work stoppage when an employer commits an unfair labor practice.
- **Wildcat Strike:** A strike undertaken without official union authorization. Although not necessarily illegal, they are not necessarily protected by the NLRB.

Successor Employer: An employer which has acquired an already existing operation and which continues operations in approximately the same manner as the previous employer, including the use of the previous employer's employees.

Surface Bargaining: A tactic whereby an employer meets with the union, but only goes through the motions of bargaining. Such conduct on the part of the employer is considered as a violation of the employer's duty to bargain, Section 8 (a) (5) of the NLRA.

Takebacks: Union benefits or favorable terms won in previous contracts which are lost in subsequent bargaining.

Trusteeship: The assumption of control over a local union by an international union or by the federal government under the RICO Act. Provided for by the Constitutions of most international unions, trusteeships suspend the normal governmental process of a local union and take over management of the local's assets and the administration of its internal affairs.

Unfair Labor Practice: An employer or union practice forbidden by the National Labor Relations Board, the Civil Service Reform Act (for federal workers), or state and local laws, subject to court appeal. It often involves the employer's efforts to interfere with organizing attempts or to avoid bargaining in good faith.

Unilateral Change: Any change in the workplace an employer makes without the union's consent. The Board recognizes that an employer must bargain over all changes in hours and other working conditions with the employee's union. Generally, these changes must be bargained to impasse before a change is implemented.

Union Security Clause: A provision in the collective bargaining agreement designed to protect the institutional life of the union, such as union shop and dues check-off clauses.

Vesting: The length of time an employee must work to guarantee that his/her accrued pension benefits will not be forfeited even if employment is terminated.

Wall-to-wall Collective Bargaining: Organizing by a single union all of the employees of an employer rather than certain departments or crafts.

Weingarten Rights: The rights of employees covered by the NLRA to request union representation during investigative interviews if they reasonably believe that the interview could result in their being disciplined. Weingarten rules also guarantee the rights of union representatives to assist and counsel employees during interviews that could lead to disciplinary action.

Wildcat Strike: A strike undertaken without official union authorization. Although not necessarily illegal, they are not necessarily protected by the NLRB. (NLRA)

Work-to-Rule: A tactic in which workers agree among themselves to strictly follow all work rules, even those that are usually not followed. The result is that less work is performed or that the employer is forced to deal with more paperwork, putting pressure on the employer to settle workers' complaints. Some, but not all, work-to-rule campaigns are considered slowdowns and may violate no-strike clauses in particular contracts or public sector laws.

Zipper Clause: A contract clause which precludes any renegotiation of conditions covered in the contract during the life of the contract. It is designed to prevent an employer from trying to change the contract before the next round of bargaining.