

Union Terms To Know

I From “affiliate” to “UniServ,” being a part of a union comes with its own vocabulary.

AFFILIATE: A local union that is chartered with a state and national union or a state union that is chartered with a national union (example: Seattle Education is an affiliate of the Washington Education Association and the National Education Association). Other terms commonly used are local, chapter, and council.

ARBITRATION: A process for resolving disputes or bargaining impasses where an outside, neutral arbitrator determines if there was a violation of the collective bargaining agreement (grievance arbitration) or decides the outcome of contract issues that were not settled at the bargaining table (interest arbitration).

ASSOCIATION/UNION: A group of employees (in the NEA, education employees) who unite and have legal rights to form a democratic group that advocates for better conditions at their workplace on behalf of themselves and others. NEA comprises many state and local level unions (or associations).

ASSOCIATION/BUILDING REPRESENTATIVE (AR): A union member who serves as a leader at the building or campus level. An AR engages new members, organizes colleagues for collective actions, and may represent members in discussions or grievances with management. The AR is the bridge between a work site and the larger local. This role is sometimes referred to as a steward.

BARGAINING FOR THE COMMON GOOD: An innovative bargaining and organizing strategy where unions use collective bargaining campaigns or other forms of advocacy as an opportunity to organize local stakeholders around a set of bold demands that broaden the scope of traditional collective bargaining to benefit not just the bargaining unit, but the community as well.

BARGAINING RIGHTS: The legal authority of a union to negotiate a collective bargaining agreement. The level of bargaining rights that unionized workers have is determined by a collective bargaining law in states that have one. Those rights vary from state to state.

BARGAINING TEAM: A group of union leaders and members who are appointed or elected to serve as the representatives of the union for the purposes of collective bargaining.

BARGAINING UNIT: A group of employees with a common interest who are recognized as part of a union. In states where collective bargaining is permitted, the bargaining unit would consist of union employees, both members and nonmembers, who are covered by a collective bargaining agreement.

COLLECTIVE ACTION: A group of people taking some form of action together to achieve a common purpose or demand.

COLLECTIVE BARGAINING: An exchange of ideas between unions and management who must negotiate in good faith over the terms and conditions of employment such as salary, benefits, and working conditions. Collective bargaining can also be used to secure student-centered demands like a full-time nurse in every school, recess, or fewer standardized tests. (*See Bargaining for the Common Good.*)

COLLECTIVE BARGAINING AGREEMENT (OR CONTRACT): The resulting legal, binding agreement that codifies the language that was agreed upon in collective bargaining. It becomes effective after union members ratify the tentative agreement.

COLLECTIVE BARGAINING STATUTE: In the public sector, collective bargaining statutes provide the legal framework for collective bargaining in each state (or at the federal level). It provides employees and unions the right to organize and negotiate the terms and conditions of employment and requires the employer to enter into a written agreement. A collective bargaining statute may note whether strikes are permitted or prohibited.

DUTY OF FAIR REPRESENTATION (DFR): In states with a collective bargaining statute, it is the legal responsibility of the union (or association) to represent all members of the bargaining unit in collective bargaining and grievances, not just its dues paying members.

EXCLUSIVE REPRESENTATION: When a group of employees organize for the purposes of collective bargaining, they elect or authorize a union to represent them in contract negotiations, grievances, and other employee and labor relations matters. For an association to become the exclusive representative, it must be certified by the labor board and/or formally recognized by the employer.

GRIEVANCE: Generally, a violation of the collective bargaining agreement where a formal written complaint is filed with the employer by the grievant (employee or association). Grievance procedures are negotiated and included in the collective bargaining agreement. If unable to resolve at an early step in the process, the dispute is typically resolved in binding arbitration.

IMPASSE: A stalemate in collective bargaining negotiations typically triggers a mandatory dispute resolution or impasse procedure. Impasse procedures vary by state, but they usually start with mediation where a state or federal mediator is brought into negotiations to attempt to broker a deal on the unresolved issues. If mediation does not result in an agreement, one or more of the following impasse procedures may be in effect: fact finding (where an outside, neutral party makes recommendations on contract issues that neither side must accept); interest arbitration (see arbitration); and a strike (see strike).

LABOR BOARD/LABOR COMMISSION: Impartial government agency responsible for administering and enforcing the collective bargaining law. Often referred to as a Public Employee Relations Board, or PERB, the labor board/commission conducts union representation elections, oversees and administers bargaining impasse procedures, and decides on unfair labor practices and other proceedings under the bargaining law.

LABOR-MANAGEMENT COLLABORATION: Structures and processes for joint problem solving and decision making. Associations and employers may use interest-based bargaining for contract negotiations and collaborative approaches for meet-and-confer processes where bargaining does not take place. They may use interest-based processes to guide labor-management committees.

MEET AND CONFER: In a state where an employer is not legally required to collectively bargain with a union and chooses not to, they may discuss issues and solicit input.

MEMORANDUM OF UNDERSTANDING (MOU): A signed agreement that can be either a stand-alone agreement or a supplement to the existing collective bargaining agreement. Such an agreement can also be referred to as a memorandum of agreement (MOA).

RATIFICATION: The formal process in which union members vote to approve the newly negotiated tentative agreement. (The employer must approve the tentative agreement as well through its own approval process).

RECOGNITION (OR CERTIFICATION): The process of a union being formally certified, or recognized, as the representative of an employee bargaining unit. In states with statutes, typically the employer can either choose to voluntarily recognize the union when a significant amount of interest to establish a union is shown by the employees or, the more common process, a secret-ballot election is held. In non-statute states, the employer must voluntarily recognize the union.

REPRESENTATIVE ASSEMBLY (OR RA): The annual meeting where elected delegates vote to decide the policy, priorities, and budget of the union. This may also be called a convention in some unions.

RIGHT TO WORK: Laws that prohibit unions from negotiating contract provisions that require all employees covered by a collective bargaining agreement to join or pay for the cost of union representation, often called agency fees. In 2018, the U.S. Supreme Court ruled in *Janus vs AFSCME* that agency fee provisions were unconstitutional for public sector employees.

STRIKE: An authorized employee work stoppage, most frequently associated with local collective bargaining, over economic items and/or other contract provisions. Strikes sometimes occur in protest of unfair labor practices.

STRIKE AUTHORIZATION: A process where local association members vote to approve a strike or to give the bargaining team the authority to call a strike.

SCOPE OF BARGAINING: Defined by statute, case law, or precedence in states where a collective bargaining law exists. Subjects of bargaining are designated as:

- **Mandatory:** issues that both parties are legally obligated to negotiate in good faith;
- **Permissive:** issues that can be brought to the bargaining table by either party but that neither party is legally obligated to negotiate; and
- **Prohibited:** issues that cannot legally be negotiated or included in a collective bargaining agreement and are not legally enforceable by law.

TENTATIVE AGREEMENT (TA): An agreement reached by the union and employer bargaining teams. Both sides must ratify the TA before it can become effective. The terms of the existing collective bargaining agreement that are not affected by the TA remain in full force and effect.

UNFAIR LABOR PRACTICE (ULP): A violation of the collective bargaining statute. A bargaining law gives employees the right to join a union and engage in union activities without fear of retaliation for doing so. It also requires unions and employers to bargain in good faith. ULPs are filed with the labor board, which determines if rights were violated or if duties and obligations were not met.

UNION: See *association/union*.

UNISERV DIRECTOR: Term NEA and its affiliates use for a staff person who supports the state and local union and individual union members through varying roles and responsibilities such as collective bargaining, contract enforcement, member representation and upholding employee rights, member organizing, and political action. Your UniServ Director is your first line of defense should an incident occur, that might threaten your reputation, certification, or even your livelihood. This type of staff position is also commonly referred to as a labor relations consultant or field/business representative.

Learn more about the union advantage

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