

GLOSSARY OF UNION TERMINOLOGY

1. **AGREEMENT, CONTRACT; COLLECTIVE BARGAINING AGREEMENT** – A written contract, arrived at through the process of negotiation, which covers the employee's wages, hours, and terms and conditions of employment. A written agreement between an employer (or an association of employers) and an employee organization, usually for a definite term, defining conditions of employment (wages, hours, vacations, holidays, overtime payments, working conditions, etc.), rights of employees and the employee organization, and procedures to be followed in setting disputes or handling issues that arise during the life of the agreement.
2. **AMERICAN ARBITRATION ASSOCIATION (AAA)** – A private organization that supplies panels of names of arbitrators to interested parties. Also publishes materials and produces films. It was founded in 1926.
3. **ARBITRATION (VOLUNTARY, COMPULSORY, ADVISORY)** – The method of settling employment disputes through recourse to an impartial third party, whose decision is usually final and binding. Arbitration is a voluntary when both parties agree to submit disputed issues to arbitration, and compulsory if required by law. A court order to carry through a voluntary arbitration agreement is not generally considered as compulsory arbitration. Advisory arbitration is arbitration without a final, binding award.
4. **ARBITRATOR (IMPARTIAL CHAIRMAN)** – An impartial third party to whom disputing parties submit their differences for a decision (award). An ad-hoc arbitrator is one selected to act in a specific case or a limited group of cases. A permanent arbitrator is one selected to serve for the life of the agreement or a stipulated term, hearing all disputes that arise during this period.
5. **BARGAINING AGENT** – An association or union that is named as the exclusive representative for all of the people covered, or who will be covered, by the agreement. The bargaining agent may be determined voluntarily by an employer as a result of a written request by the association/union, or as the result of an election conducted by the Illinois Educational Labor Relations Board (IELRB) or by the National Labor Relations Board (NLRB).
6. **BARGAINING TEAM** – The association/union or employer negotiators who will actually be at the bargaining table and actively involved in the negotiations towards a contract.
7. **BARGAINING UNIT** – All of those employees represented by the bargaining agent whether they are members of that organization or not.
8. **BOILER PLATE LANGUAGE** – This is a “bargaining trade term” to refer to a group of contract clauses which either the employer and/or the union want in the contract. These boiler plate clauses add strength to the contract and help to hold the contract together, (i.e.: Complete Understanding Clause, No Strike/Lockout Clause, Savings Clause, Zipper Clause, Maintenance of Standards Clause, Union Security Clause, Management's Rights Clause, Parity Clause).
9. **CAUCUS** – An informal meeting of the bargaining team, away from the bargaining table, to discuss, clarify, or solidify positions on issues.

- 10. CHECK-OFF (PAYROLL DEDUCTION OF DUES)** – The practice whereby the employer, by agreement with the employee organization (upon written authorization from each employee where required by law or agreement), regularly withholds organizational dues from employees' salary payments and transmits these funds to the employee organization. The check-off is a common practice and is not dependent upon the existence of a formal organizational security clause. The check-off arrangement may also provide for deductions of initiation fees and assessments.
- 11. COLLECTIVE BARGAINING** – A process whereby employees as a group (or representatives of the employee group), and their employers, in good faith make offers and counter-offers regarding the conditions of their employment relationship, for the purpose of reaching a mutually acceptable agreement, and the execution of a written document incorporating any such agreement if requested by either party.
- 12. COMPLETE AGREEMENT LANGUAGE** – This is a contractual clause wherein the parties establish the “four corners of the contract” as the total and complete agreement between the parties. It is an attempt by the parties to eliminate other contracts, documents and informal agreements from impacting upon the provisions of the collective bargaining agreement.
- 13. CONSUMER PRICE INDEX (CPI)** – An index issued monthly by the Bureau of Labor Statistics which measures the average change in prices of goods and services purchased by the urban wage-earner and clerical-work families. The CPI measures price changes only, describing shifts in the purchasing power of the consumer's dollar. It is often incorrectly referred to as a “cost-of-living index.” It is the index used to determine the cost of goods and services in a particular area for a specified period of time as it compares to a given base. These figures are used to determine the increase in the cost of living.
- 14. COST-OF-LIVING ADJUSTMENT** – Raising or lowering salaries in accordance with changes in the cost of living as measured by a designated index, usually the Bureau of Labor Statistics Consumer Price Index.
- 15. COST-OF-LIVING INDEX** – This term is often used, albeit incorrectly, to designate the Bureau of Labor Statistics Consumer Price Index.
- 16. DUE PROCESS RIGHTS** – The rights of individuals, against whom charges are brought, to present their cases and defend themselves in an orderly proceeding before those bringing the charges. In other words, due process requires that every person shall have his or her “day in court.”
- 17. DUTY OF FAIR REPRESENTATION** – Unions can be held liable if their handling of grievances is arbitrary, discriminatory, or based on bad faith.
- 18. EXCLUSIVE NEGOTIATING RIGHTS** – The right and obligation of an employee organization, designated as majority representative, to negotiate collectively for all employees, including non-members, in the negotiating unit.
- 19. FACT-FINDING** – An advisory process wherein an individual of a tripartite panel recommend a decision to settle a negotiations dispute or a contract interpretation dispute.

- 20. FAIR SHARE** – A negotiated provision in a contract agreement that requires all employees covered by the contract either to be members of the employee organization or to pay their fair share of the costs of the collective bargaining process and contract administration.
- 21. FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS)** – An independent federal agency established in 1947 which provides mediators to assist the parties involved in negotiations, or in a labor dispute, in reaching a settlement; provides lists of suitable arbitrators on request; and engages in various types of “preventive mediation.” Mediation services are also provided by several state agencies.
- 22. FRINGE BENEFITS** – Generally, supplements to wages or salaries received by employees at a cost to employers. The term encompasses a host of practices (paid vacations, pensions, health and insurance plans, etc.) that usually add to something more than a “fringe” and is sometimes applied to a practice that may actually constitute a salary increase, or even a tax free or tax deferred increase to workers. No agreement prevails as to the list of practices that should be called “fringe benefits.”

Other terms often substituted for “fringe benefits” include “wage extras,” “hidden payroll,” “non-wage labor cost,” and “supplementary wage practices.” The Bureau of Labor Statistics uses the phrase “selected supplementary compensation or remuneration practices,” which is then defined for survey purposes.

- 23. GRIEVANCE** – Any complaint or expressed dissatisfaction by an employee in connection with his/her job, pay, or other aspects of his/her employment. Whether such complaint or expressed dissatisfaction is formally recognized and handled as a “grievance” depends on the scope of the grievance procedure. Most grievance procedures, which exist as part of a collectively bargained agreement, only allow grievances on issues covered within the agreement. In those cases, the grievance is defined as a violation, misapplication, or misinterpretation of the contract.
- 24. GRIEVANCE PROCEDURE** – Typically a formal plan, specified in a collective bargaining agreement, that provides for the adjustment of grievances through discussions at progressively higher levels of authority in management and the employee organization, usually culminating in arbitration if necessary. Formal plans may also be found in companies and public agencies in which there is no organization to represent employees.
- 25. I.E.L.R.A.** – January 1, 1984 – Public Act 83-10114 is an act to establish the right of educational employees to organize and bargain collectively, to define and resolve unfair practice disputes and to establish the IELRB to administer the act.
- 26. IMPASSE** – A point reached in the process of negotiations where both parties agree that they can go no further in the process of proposal and counter-proposal. Their best offers (at the time) are “on the table,” none of which are acceptable to the other party, bringing them to a point of impasse. In many negotiations, this point may be reached several times prior to the final settlement of the agreement.
- 27. INJUNCTION (LABOR INJUNCTION)** – A court order restraining one or more persons, corporations, or unions from performing some act which the court believes would result in irreparable injury to property or other rights.
- 28. INTEREST ARBITRATION** – A process whereby management and labor submit unresolved contract demands to an impartial third party (or parties) who will render a final and binding decision on the terms and conditions of a collective bargaining agreement.

- 29. JUST CAUSE** – Unlike the concept of due process which requires language amplification in order to have purposeful meaning, the concept of just cause or cause for discipline opens the “flood gates” to volumes of judicial decisions establishing extensive rights for employees and extensive responsibilities for employers in the area of employee discipline, even without one additional word. The burden of proof rests with the employer.
- 30. MAINTENANCE OF STANDARDS CLAUSE** – A clause which limits the effect of the Reserved Rights Theory by insuring that the past practices or local working conditions that predate the contract are continued, except where expressly modified.
- 31. MANAGEMENT RIGHTS CLAUSE** – A contract provision spelling out areas where the employer retains discretion or control. Because of the Warrior Decision in the Trilogy cases, Management Rights Clauses were, for a period of time following the Trilogy Decisions, used to exclude from the grievance procedure all conditions of employment which were not covered under the contract and which, prior to the Warrior Decision, would have been so excluded under the Reserved Rights Theory.
- 32. MANDATORY BARGAINING** – In imposing an obligation to bargain collectively, the law does not require that an employee bargaining over all aspects of their business but are mandatorily required only over “wages, hours, and other terms and conditions of employment.” In interpreting this broad guideline, the Labor Board has classified the potential subject matter of collective bargaining into three basic categories: Mandatory, Permissive and Illegal.
- 33. MEDIATION (CONCILIATION)** – Involvement in a contract negotiations dispute of a neutral third party who attempts to assist the parties in resolving their dispute by suggesting possible areas of compromise, bringing a different point of view, clarifying issues and using many other techniques designed to bring the parties closer together and narrow the disagreement. The function of mediation is to assist the parties by being creative and innovative in finding areas of agreement and compromise to reach final resolution of an impasse.
- 34. MEDIATION ROSTER** – A roster of qualified “impartial” individuals appointed by the IELRB, AAA, or FMCS to serve as arbitrators for grievances, or mediators and arbitrators to serve in the resolution of contract disputes between educational employers and employees. These mediators and arbitrators are not employees of their respective organizations. The costs of these services (if any) are shared equally by the employer and employees.
- 35. MID-TERM BARGAINING** – A legal right which the union has to demand mid-term bargaining – during the life of the contract – on any mandatory subject of bargaining not contained in the existing contract, but which was in existence at the time the contract was ratified and now which the employer is seeking to change. Even on non-mandatory subjects of bargaining, the union can demand mid-term bargaining over the impact of such decisions to change pre-contract ratification conditions of employment.
- 36. NEGOTIATIONS** – The process by which representatives of management and the employee organization bargain to set wages, hours, terms and conditions of employment, and the machinery for handling grievances.
- 37. NEGOTIATING RIGHTS (BARGAINING RIGHTS)** – Legally recognized right to represent employees in negotiations with employers.

- 38. NEGOTIATING RIGHTS (BARGAINING UNIT)** – A group of employees recognized by the employer, or group of employers, and/or certified by the Illinois Educational Labor Relations Board, or the National Labor Relations Board, as appropriate for representation for purposes of collective negotiations.
- 39. NO-STRIKE AND NO-LOCKOUT CLAUSE** – A provision in a collectively bargained agreement in which the employee organization agrees not to strike and the employer agrees not to lockout employees for the duration of the contract. These pledges are required by law under the Illinois Education Labor Relations Act (IELRA).
- 40. PARITY CLAUSE** – Also called “most favored nation clause” particularly in multiple bargaining unit employment situations wherein one union may secure a parity clause to reopen or modify the contract during its life if another bargaining unit secures a particular salary increase, benefit or working condition more favorable than that which they secured.
- 41. PAST PRACTICE** – A reasonable uniform response to a recurring situation over a substantial period of time which has been recognized by the parties – implicitly or explicitly – as the proper response even in light of contradictory contract language.
- 42. RATIFICATION** – A process whereby all the members of the bargaining unit or employer unit are called to a meeting to review and discuss any and all negotiated changes for a new contract. Following the discussion, a vote will be taken for or against the new contract. The voting by the bargaining unit members constitutes the ratification of the contract. A new contract can only be signed and become effective following the ratification by both parties.
- 43. RECOGNITION** – Employer acceptance of an organization as authorized to negotiate for a specified group of employees.
- 44. REOPENING CLAUSE** – A stipulation within a multi-year contract (two or more years in duration) which provides and allows for negotiations to be periodically reopened on some specifically stated items or provisions. Such a clause in a collective bargaining agreement, states the time or the circumstances under which negotiations can be requested prior to the expiration of the contract. Re-opening is usually restricted to salaries and other specified issues, not to be agreement as a whole.
- 45. REPRESENTATION ELECTION** – An election conducted by the IELRB or NLRB in accordance with its rules and regulations to determine whether or not employees within a specified group or bargaining unit wish to be represented by a union for collective bargaining purposes.
- 46. RESIDUAL OR RESERVED RIGHTS Theory** – States that management retains any rights not specifically modified or limited by the union contract.
- 47. RETROACTIVE PAY** – A delayed salary payment for work done previously at a lower rate. Salary due when a new contract provides for a salary increase for work completed prior to the time the contract goes into effect. In some cases the entire contract is placed on a retroactive basis. Example: a contract which is ratified and signed on September 26th but negotiated as being effective on September 1st.
- 48. ROLLBACKS** – This is an attempt by the employer to reduce or eliminate benefits and/or other conditions of employment which heretofore have existed.

- 49. SAVINGS CLAUSE** – Protects all sections and provisions of the contract except those which may have become null and void due to unforeseen legislative or judicial decisions.
- 50. SIDE BAR** – Short for “side bargaining.” These are “off-the-record” informal discussions between representatives of the parties to seek non-binding positions on issues – away from the bargaining table. The process is exploratory and does not change table positions on bargaining issues. Side bars are usually conducted between the chief negotiators/spokespersons or specialists in certain areas of expertise and are often used in an effort to expedite the more formal bargaining process at the bargaining table.
- 51. TENTATIVE AGREEMENT** – The point in the collective bargaining process where all issues have been resolved between the parties and the tentative agreement is waiting to be ratified by the parties. A tentative agreement can also refer to individual bargaining proposals to which there has been mutual agreement. The parties usually have these individual tentative agreements typed and signed. This process of individually agreeing to bargaining issues is an acknowledgment by both parties that the issue(s) which has been T.A.’d is “off of the table” and will not return later in the bargaining process.
- 52. UNFAIR LABOR PRACTICE** – Employer or employee activities that are specifically prohibited in the NLRA and IELRA. Charges of ULP’s can be filed by unions, individuals or employers. The Board investigates ULP charges and has the authority to order a stop to their commission.
- 53. UNION SECURITY** – Protection of a union’s status by a provision in the collective agreement establishing a union shop, agency shop, fair share, maintenance-of-membership, or dues check-off arrangement. In the absence of such provisions, employees in the bargaining unit are free to join or support the union at will, and, thus, in union reasoning, are susceptible to pressures to refrain from supporting the union or to the inducement of a “free ride.”
- 54. VOLUNTARY RECOGNITION** – The voluntary action of an employer to recognize a union as the exclusive representative for a group of employees within an appropriate bargaining unit.
- 55. WHIPSAWING** – The tactic of negotiating with one employer at a time, using each negotiating gain as a lever against the next employer, or bargaining with one employee organization and then using the gains made by that group as a lever against the same employer with another employee organization. Whipsawing can also be used by the employer against employee organizations.
- 56. WORK STOPPAGE** – A temporary halt to work, initiated by workers or employers, in the form of a strike or lockout. This term was adopted by the Bureau of Labor Statistics to replace “strikes and lockouts.” In aggregate figures, “work stoppages” usually mean “strikes and lockouts” as applied to a single stoppage, and not more than one strike and/or lockout during the same collective bargaining dispute. The difficulties in terminology arise largely from the inability of the Bureau of Labor Statistics (and, often the parties) to distinguish between strikes and lockouts since the initiating party is not always evident.
- 57. ZIPPER CLAUSES** – Clauses expressing the parties’ agreement that the contract as it is represents the full and complete understanding between the parties and that each waives any obligation to bargain collectively with respect to any subject matter that may or may not have been known to either or both of the parties at the time the contract was negotiated, thus waiving any rights to mid-term bargaining.