

Common Labor Relations Terms

Agent

A person acting for an employer or a union. Acts of the agent implicate the principal for whom the agent acts in matters of unfair labor practices or of conduct subject to court action whether or not specifically authorized or approved.

Arbitration

An out-of-court legal proceeding for resolving disputes using one or more neutral third parties called the Arbitrator or Arbitration Panel. Arbitration uses rules of evidence and procedures that are less formal than those followed in trial courts, which usually leads to a faster, less expensive resolution. Binding Arbitration is similar to a court proceeding in that the Arbitrator has the power to impose a decision, although this is sometimes limited by agreement. For example, in "hi-lo Arbitration" the parties may agree in advance to a maximum and minimum award. Alternate definition - Dispute resolution proceedings in which the nature of the agreement between the parties obligates them to the Arbitrator's decision. Final step in the Collective Bargaining Agreement grievance procedure allowing the parties to submit unresolved grievances arising from a violation or interpretation of the Collective Bargaining Agreement to an Arbitrator. See also; Binding Arbitration, Interest Arbitration.

Arbitrator

Neutral, independent, outside authority designated to hear unresolved contract grievance disputes.

Bad-faith Bargaining

Under Labor Relations Board statutes an employer or the FOP may be deemed to commit an Unfair Labor Practice (ULP) by refusing to discuss or bargain over issues deemed to be mandatory matters for discussion or other matters as listed within the law.

Bargaining Committee

Individuals elected or appointed by the Lodge to meet with Management and negotiate/bargain a Collective Bargaining Agreement on behalf of the Lodge Bargaining Unit.

Bargaining Representative/Agent

A Labor Organization, like the FOP, certified by the Board/Commission to represent a Bargaining Unit of employees for the purpose of Collective Bargaining.

Bargaining Unit

A group of employees eligible for Collective Bargaining based upon a unit determination process required by the Board/Commission which sets forth the positions and/or classifications that will be represented by the FOP in the Collective Bargaining process.

Binding Arbitration

An Arbitration proceeding (see Arbitration) in which the Arbitrator's award is final and is imposed on the parties as a matter of law. Such Awards are usually only subject to appeal in the

event of fraud by the Arbitrator or collusion between the Arbitrator and one of the parties. In non-binding Arbitration, the Arbitrator can recommend but not impose an advisory decision.

Caucus

A negotiating procedure used by both the FOP and Management Bargaining Committees where the entire Bargaining Team leaves the negotiating table to confer away from the opposing side for a period of time agreed upon by both sides in order to discuss issues, proposals, counterproposals, or strategies, after which the teams return to the bargaining table.

Certification

The final order of the Board/Commission granting legal authority, certification, and recognition to a labor organization to become the exclusive bargaining representative of a Bargaining Unit of employees for Collective Bargaining after an election or voluntary recognition proceeding.

Collective Bargaining

A process, usually defined by law, by which employees represented by the FOP meet with their employer to negotiate hours, wages, and terms and conditions of employment with the purpose of obtaining an employment contract known as a Collective Bargaining Agreement.

Collective Bargaining Agreement (CBA)

The written final contract agreed to and signed by the FOP and Management setting forth all matters discussed and agreed to during Collective Bargaining.

Contract Ratification

The process by which the FOP and Management Bargaining Committees or Teams present a Tentative Agreement reached in Collective Bargaining. The FOP Team is required to present all changes and information in the Tentative Agreement to the FOP Bargaining Unit members for a vote to accept/ratify or reject. Management presents the Tentative Agreement to the employer's legislative body (e.g. City Council, County Commission, State Legislature, etc.).

Designee/Interest Card

Used in the initial organizing phase, this card is a form requiring the name, employer, position and/or classification of each individual agreeing to petition the Board/Commission for an election to form a Collective Bargaining Unit and indicating the signor's interest in being represented by the FOP. Also known as a Signature Card or Showing of Interest.

Fact Finding

A process by which a neutral person determines the facts surrounding a Collective Bargaining Impasse.

Fair Labor Standards Act (FLSA)

Federal law which governs employees' entitlement to compensation and the criteria for determining overtime eligibility, including the calculation of the amount of overtime compensation.

Fair Share

A union acts as an agent for the employees, regardless of their union membership and is entitled to collect a portion of regular membership dues. Also referred to as an Agency Fee.

Grievance

An injury, injustice, or wrong that gives ground for a complaint. A written Grievance is the method by which an employee notifies the employer of a disagreement between the employer and the employee regarding employment matters.

Grievance Committee

A committee of members of a Bargaining Unit designated and authorized to review the merits of employees' Grievances and to enforce the provisions of the Collective Bargaining Agreement. The Grievance Committee also provides representation to FOP members in the Grievance Process up to and including Arbitration.

Grievance Process

A process negotiated into the Collective Bargaining Agreement whereby employees' grievances are adjusted in accordance with several steps from initial review by an employee's immediate supervisor up to and including Arbitration.

Impasse

The condition between parties during Collective Bargaining in which the parties cannot agree on the terms of a proposed Collective Bargaining Agreement; A situation that is so difficult that no progress can be made; a deadlock or a stalemate.

Interest Arbitration

An Arbitration process within some states used to resolve Collective Bargaining Impasse requiring the Exclusive Bargaining Agent and the employer to submit the proposed terms in dispute to a neutral Arbitrator for a final and binding decision. Some states allow the Arbitrator to decide issue by issue. Some states require Arbitration by final best offer where the Arbitrator is compelled to issue an award based upon the final best offer of the Exclusive Bargaining Agent or the employer. Some states require non-binding mediation before Arbitration. Some states only permit non-binding Arbitration.

Job Action

A temporary action, such as a strike or slowdown, by workers to make demands or protest a company or managerial decision. Such actions are typically prohibited by law for public safety employees.

Labor Organization

An organization, such as a union, which has the purpose of representing Bargaining Units of employees in Collective Bargaining in order to negotiate hours, wages, and terms and conditions of employment.

Labor Relations Board/Commission (Board/Commission)

The independent governing body within each state with the authority to certify a Collective

Bargaining Unit, hear and decide charges involving allegations of Unfair Labor Practices and enforce all state labor laws. For public employees, these boards have different names in different states, e.g., the Public Employees Relations Commission (PERC), Public Employees Relations Board (PERB), or simply, the Labor Board. The National Labor Relations Board (NLRB) governs private sector unions and employers under the applicable labor laws.

L.E.O.

Law Enforcement Officer.

Mediation

Use of an independent neutral individual to meet with both the FOP and the employer in order to resolve contract disputes. Mediators do not have the authority to bind the parties to a decision. Instead, the process enables the parties to reach their own agreement on Impasse issues, which agreement can be enforced as a contract.

Meet and Confer

The process whereby the representative of a public agency and representatives of a recognized employee organization have the mutual obligation personally to "meet and confer" in order to freely exchange information, opinions, and proposals to reach agreement on the terms and conditions of employment. This is a form of Collective Bargaining.

Meeting of the Minds

In contract law, mutual assent by both parties to the formation of a contract.

Memorandum of Agreement (M.O.A.)

A term sometimes used synonymously with the term Collective Bargaining Agreement to describe the document created through Collective Bargaining. The term M.O.U. is also used to describe a supplemental agreement reached by the parties to a Collective Bargaining Agreement negotiated during the term of a Collective Bargaining Agreement to clarify or resolve disputed items in the Collective Bargaining Agreement or other matters not contemplated in the original document. Once signed by all parties, the M.O.U. is a legal binding contract.

Memorandum of Understanding (M.O.U.)

A term sometimes used synonymously with the term Collective Bargaining Agreement to describe the document created through Collective Bargaining. The term M.O.U. is also used to describe a supplemental agreement reached by the parties to a Collective Bargaining Agreement negotiated during the term of a Collective Bargaining Agreement to clarify or resolve disputed items in the Collective Bargaining Agreement or other matters not contemplated in the original document. Once signed by all parties, the M.O.U. is a legal binding contract.

Past Practice

Employer conduct or procedure whether set by policy or not, which has been continuous to point of creating an expectation of a continuing practice and which does or does not have a cost factor to the City and/or a monetary benefit to a member.

Petition for Representation

The legal pleading used by the FOP to petition the Labor Relations Board for the right to become the Bargaining Representative/Agent of a Bargaining Unit for the purpose of Collective Bargaining with the employer.

Showing of Interest

The evidence presented to the Board/Commission in support of a Petition for Representation establishing that a significant number of employees desire the FOP to become their Exclusive Bargaining Agent. The Showing of Interest is usually made by Designee/Signature Cards. Most states with Collective Bargaining laws require a showing of interest of at least 30% of the employees in the proposed Bargaining Unit before an election will be set by the Board/Commission.

Sidebar

A procedure used during Collective Bargaining whereby the lead negotiators for each party meet separately, away from their respective teams, in order to informally discuss contentious issues.

Tentative Agreement (TA)

The term used during negotiations to indicate the parties have discussed and mutually agreed to a particular issue or set of issues. The term is also used to describe the proposed Collective Bargaining Agreement/MOU before the CBA or MOU is ratified and signed. TAs are not binding and can be withdrawn before they are ratified.

Unfair Labor Practice (ULP)

Any act by a union or employer in violation of a state's Collective Bargaining Law, the Federal Labor Relations Act, or the Collective Bargaining Agreement/M.O.U.