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Article Contents

Glossary of Commonly Used Labor Terms

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Glossary of commonly used labor terms

Adverse action: Disciplinary action which CSU employees can appeal to the State Personnel Board. These include dismissals, suspensions, and demotions. [EC 89535]

ADEA: The Age Discrimination in Employment Act, the federal law prohibiting employment discrimination against those between the ages of 40 and 65 years of age by employers, employment agencies and unions.

Affirmative Action: Planned program to avoid discrimination on the basis of sex, race, age, color, religion or national origin in employment and promotion procedures.

AFL-CIO: National labor union created in 1955, by the merger of the American Federation of Labor and the Congress of Industrial Organizations. CSEA is affiliated with the SEIU and the AFL-CIO.

Agency Shop: A provision in a collective bargaining agreement that requires, as a condition of employment, employees in the bargaining unit who do not join the union to pay a service charge to the union or a designated charity. This provision is to compensate the union which, by law, must provide full and equal representation to all employees in the bargaining unit it represents. HEERA does not now have a provision allowing agency shop provisions to be negotiated.

Agent: One acting in the interests of another or for whose activities another is held responsible. Elected officers, stewards, negotiating team members, and staff representatives are all "agents" of CSEA.

Agreement: Refers to the collective bargaining agreement, a written agreement jointly prepared by the Union and CSU, which incorporates all matters agreed to during the course of bargaining. Also referred to as "contract" or "MOU".

Arbitration: A method of resolving a grievance or contract negotiation deadlock by submitting the dispute to a neutral, third party.

Arbitrator: An impartial third party to whom disputing parties submit their disputes for decision (award).

Bargaining Unit: A group of employees determined by PERB to have a "community of interest".

Bumping: Exercise of rights in a seniority system. Rights of a longer-service employee to displace a junior-service employee when the employer determines layoffs are necessary.

Cal-OSHA: The California Occupational Safety and Health Administration, the state agency charged with enforcement of safe and healthy working conditions.

Checkoff: An arrangement for payroll deduction of union dues by the employer.

Collective Bargaining: Negotiations between an employer and the exclusive bargaining agent in an attempt to reach an agreement over wages, hours, and conditions of employment. Also covers the administration and interpretation of the contract.

Community of Interest: Criterion set up by PERB to determine whether similar skills, duties, common management and supervision, hours of work, wages, and working conditions create an appropriate bargaining unit.

Comparable Worth: A concept of equal pay for work of a comparable value. It is generally attained by measuring the relative skills, efforts, responsibilities, and working conditions of all positions and classifications. Applications of the concept are designed to overcome outmoded salary setting practices which were based only on "what the competitive labor market demanded," and which unfairly undervalued certain job categories such as those traditionally held by women and minorities.

Complaint: Defined in the MOU as "any alleged violation, misapplication, or misinterpretation of a specific CSU policy governing working conditions or a CSU work rule".

Concerted Activities: Activities, up to and including strikes, taken by employees generally in concert with negotiations or other mutual aid or protection.

Confidential Employee: Under HEERA, any employee "who is required to develop or present management positions with respect to meeting and conferring or whose duties normally require access to confidential information which contributes significantly to the development of such management positions." [GC 3562 (e)]

CSU Labor Council: A coalition of the six unions representing employees in the California State University system.

DFEH: The Department of Fair Employment and Housing, the state agency charged with investigating charges of discrimination in employment and housing.

DFR: The Duty of Fair Representation, the doctrine that requires the exclusive representative to fairly represent each and every employee in the bargaining unit.

EAP: Employee Assistance Program, the program which attempts to identify employees with personal problems which may affect their worklife. This includes, but is not limited to, identifying alcohol and drug-related problems and making referrals to public and private resources for assistance.

Education Code: State law which governs all systems of education in California: K-12, community colleges, and higher education.

EEOC: The Equal Employment Opportunity Commission, the federal agency that investigates discrimination charges in employment.

EERA: The Educational Employer-Employee Relations Act, which is the law that governing collective bargaining for California school employees in grades K through 14. Also known as the Rodda Act.

Exclusive representative: The union which has the sole responsibility and authority to represent employees in a bargaining unit for representation. CSEA has been certified by PERB as the exclusive representative for bargaining units 2, 5, 7, and 9 in the CSU.

Fact-finding: Identification of the major issues in a dispute (usually contract negotiations), review of the positions of the parties, and resolution of the differences by a third party who then makes recommendations for settlement of the dispute. Under HEERA, fact-finding is the second and final phase in PERB's impasse procedures and is conducted by a three-member panel, chaired by a third-party neutral.

[GC 3591]

Fair employment practices: Those procedures in hiring and other employment practices involving wages, hours, and other working conditions which are supplied without consideration of race, color, creed, sex, religion, national origin, or other features or characteristics.

Free riders: A derogatory term applied by unions to non-members within the union's jurisdiction who obtain the benefits of representation, such as higher wages and improved benefits, but who do not pay dues to pay their fair share of the costs of representation.

Fringe benefits: All non-wage benefits, such as paid holidays, vacation, health insurance, pensions, sick leave, parental leave, etc.

Grievance: Generally defined as any complaint or dissatisfaction of an employee or group of employees with any aspect of his/her/their hours, wages, and working conditions. The MOU defines a grievance more narrowly as any alleged "violation, misapplication, or misinterpretation of a specific term of the Agreement". [MOU 7.1]

HEERA: The Higher Education Employer-Employee Relations Act, which is the law governing collective bargaining for employees of the CSU system, the UC system, and Hastings College of the Law. Also known as Berman Act.

Impasse: A point in contract negotiations where the differences between the parties are so great that further meetings would be futile.

Injunction: A prohibitory writ issued by a court to restrain an individual or a group from committing an act that is regarded as inequitable so far as the rights of some other person are concerned.

Interest dispute: A dispute over items being negotiated in a labor-management contract.

International Union: The identification used by most unions in the United States which also have affiliated locals in other countries, usually in Canada or Puerto Rico. CSEA is an affiliate of SEIU.

Just Cause: Sufficient reason for discipline; a term commonly used in contracts to protect employees from unjust punishment. Also called "reasonable cause".

Local: A group of organized members of a union. CSEA is Local 1000 of SEIU.

Lost-timer: A union member who takes a leave of absence from his/her job to work for the union.

Maintenance of Membership: An organizational security provision under which employees who become members of the union are required to remain members. Under HEERA, members may only cancel their membership during the last thirty (30) days before expiration of the contract. [GC 3583]

Managerial employee: Under HEERA, "any employee having significant responsibilities for formulating or administering agency or departmental policies and programs or administering an agency or department. [GC 3562 (l)]

Mediation: Neutral third-party assistance to facilitate a resolution of a dispute between the employer and the union. Under HEERA, this is the first step in the impasse procedure. [GC 3590] Mediation is also an optional step in the CSEA/CSU grievance procedure. [MOU 7.26]

Meet and Confer: The process by which the employer and the exclusive representative meet to exchange information, opinions, and proposals, in an effort to reach an agreement.

Meet and Consult Often called "meet and discuss": A process by which labor and management informally discuss issues prior to implementation. Not considered negotiations.

MOU: Memorandum of Understanding, or written agreement jointly prepared by the Union and CSU, which incorporates all matters agreed to during the course of bargaining. Also referred to as "contract" or "Agreement".

PERB: The Public Employment Relations Board, the state agency which administers the provisions of

California's three collective bargaining laws (HEERA, SEERA, and EERA).

Release time: Contractual provision for the release of union members from work for the purposes of contract negotiations and grievance resolution. The CSEA/CSU MOU also provides release time for employees to attend Board of Trustees Meetings. A new provision provides release time for one union rep per campus per month to conduct union business. [MOU 5.11]

Reprisal: Retaliation against an employee or a group of employees on account of union activities. This is an express violation of HEERA, and would be considered an unfair labor practice.

Rights dispute: A dispute arising out of a particular grievance.

Scope of representation: For CSU employees, HEERA defines scope as "wages, hours of employment, and other terms and conditions of employment." [GC 3562 (r)]

SEERA: The State Employer-Employee Relations Act, which is the law governing collective bargaining provisions for California civil service employees. Also known as the Ralph C. Dills Act.

SEIU: The Service Employees International Union, one of the largest AFL-CIO unions, representing public and private sector employees throughout the United States and Canada. CSEA is Local 1000 of SEIU.

Seniority: Broadly defined as a worker's length of service with an employer. Depending upon specific contract language, seniority can be by classification, by campus, by department, or even state-wide.

Skelly rights: Procedural due process rights afforded all permanent public employees faced with discipline. Employees are entitled to receive a notice of the proposed action, the reasons therefor, a copy of the charges and materials upon which it is based, and an opportunity to respond (1975 California Supreme Court decision).

SPB: The State Personnel Board, the state agency charged with hearing appeals by CSU employees who have been dismissed, suspended, demoted, or medically terminated.

Steward: The "backbone" and "eyes and ears" of the Union. The primary representative of the Union at the workplace.

Strike: Concerted work stoppage by a group of employees. In 1985, the California Supreme Court ruled that public employee strikes were legal unless they jeopardized the health and safety of the public.

Sunshining: The term used to describe the requirements that initial proposals must be presented at a public meeting prior to the start of negotiations.

Supervisory employees: Any employee, "regardless of job description or title, having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgement." [GC 3580.3]

Unfair labor practice: Under HEERA, it is unlawful for CSU or CSEA to interfere with or discriminate against employees who exercise their rights to join or participate in union activities. It is also unlawful for either CSU or CSEA to refuse to meet and confer in good faith. Nor can the CSU consult with staff councils on any matter within the scope of representation. [GC 3571]

Union: Any organization in which employees participate as members and which exists for the purpose of representing employees with employment relations.

Union leave time: Contractual provision for the release from work of union officials to conduct official union business. These employees continue to be paid by the university and CSEA reimburses the university, and CSEA reimburses CSU for the time. [MOU 5.13]

Weingarten rights: An employee's right to union representation at a meeting with management when the employee has a reasonable belief that discipline will result from the meeting. [1975 U.S. Supreme Court decision].

Zipper clause: A provision in a contract which prohibits further bargaining during the life of the agreement, absent mutual agreement to do so. [See Article 4 of the CSEA/CSU Agreement.]

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