

CHAPTER 45 Health & Human Services

Glossary of Labor Lingo & Acronyms

Affirmative Action Plans/Affirmative Employment Plans (AAP)

Written plans for programs required by Executive Order 11478 and other laws and regulations. AAP's may contain studies which show how the work force at the activity has been used, and may include goals and timetables for increasing the representation of protected class members in those areas where they have been under represented.

Bargaining Agent

Union designated by a government agency, such as the Federal Labor Relations Board, or recognized voluntarily by the employer, as the exclusive representative of all employees in the bargaining unit for purposes of collective bargaining.

Bargaining Council

Groups which facilitate the negotiation process between unified employees and employers on matter such as working conditions. The aim is to provide a forum for collective bargaining by which settlement on matters of joint interest can be reached through negotiation. The agreed conditions are then applied to all employees within the relevant sector.

Bargaining Team

The union or employer negotiators who will actually be at the bargaining table and actively involved in the negotiations towards a contract.

Bargaining Unit (BU)

A group of employees in a given workplace that has sufficient commonality of interest to constitute a unit for purposes of collective bargaining. The National Labor Relations Board (NLRB) or similar federal, state or local agency usually defines a bargaining unit.

Charge

A written statement of alleged unfair practices. Filing a charge with the Federal Labor Relations Board (NLRB) is the first step in an unfair labor practice proceeding. If the NLRB decides to take up the charge, it will issue a formal complaint to start an unfair labor practice hearing.

Collective Bargaining

A process which workers, through their bargaining team and/or bargaining council, deal as a group to determine the working conditions of employees. Normally, the result of collective bargaining is a written contract which covers all workers in the Bargaining Unit.

Collective Bargaining Agreement or Contract

A formal written agreement over conditions of employment entered into by an employer and the union representing employees in the bargaining unit.

Duty of Fair Representation (DFR)

A union's obligation to represent all people in the bargaining unit as fairly and equally as possible. This requirement applies both in the creation and interpretation of collective bargaining agreements. A union is said to have violated its Duty of Fair Representation when a union's conduct toward a member of a bargaining unit is arbitrary, discriminatory, or in bad faith. A union steward, for example, may not ignore a grievance which has merit, nor can that grievance be processed in a perfunctory manner. It should be noted, however, that the employee in the bargaining unit has no absolute right to have a grievance taken to arbitration.

Equal Employment Opportunity (EEO)

Equal Employment Opportunity (EEO) is the law. Applicants and employees are protected under federal laws from discrimination on the basis of race, color, national origin, sex, and age.

Exclusive Representation

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.

Fair Labor Standards Act (FLSA)

The 1938 federal Wage-Hour Law which establishes minimum wage, maximum weekly hours and overtime pay requirements in industries engaged in interstate commerce. The law also prohibited the labor of children under 16 years of age.

Fair Share

"Fair share" is a compromise, in that fair share bargaining unit members pay a reduced rate of union dues without having to join the union; in return, they are covered as completely by the union contract as are union members. They are entitled to same benefits and can take advantage of the same grievance procedures and other protections.

Family and Medical Leave Act (FMLA)

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Grandfather Clause

A contract provision specifying that employees on the payroll before a specified time will retain certain rights and benefits even though newer employees are not entitled to these rights.

Grievance

Any type of worker dissatisfaction including violations of the collective bargaining agreement, violations of law, violations of employer policies, violations of fair treatment, and violations of past practices. The definition of a grievance is usually part of the contract, and therefore may vary from one contract to another.

Grievance Arbitration

A dispute resolution process whereby a neutral third party – the arbitrator – hears a grievance and makes a decision that is usually both final and binding on both parties.

Just Cause

A reason an employer must give for any disciplinary action it takes against an employee. An employer must show just cause only if a contract requires it. Most contracts have just cause requirements which place the burden of proof for just cause on the employer. NOTE: All contracts with AT&T represented employees in this local have such a clause.

Labor Board

Quasi-judicial agency set up under national labor relations acts. Its duties include defining appropriate bargaining units, conducting elections to determine if workers want union representation, certifying unions to represent employees, and hearing and adjudicating complaints by either the union or the employer charging unfair labor practices.

Made Whole

A catchall phrase used in grievance and other legal action where a remedy is sought from an employer. Often used in discharge and discipline cases where the union seeks to have a worker, who had been wrongly discharged or disciplined, returned to work and reimbursed all wages, benefits, or other conditions lost due to an employer's unjustified action.

Lost Wages

When official union time is granted to an employee by the local to perform representational functions on behalf of the union she or he is entitled to lost wages. This time is granted without charge to personal leave or loss of pay, when the employee would otherwise be in a duty status and is considered only during scheduled hours of work.

Organizer

A person usually employed by a union, whose function it is to enlist the employees of a particular employer to join the union.

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.

Public Labor Relations Board – PLRB A. RSA 273-A

The Public Employee Labor Relations Board (PELRB) was created by the passage of the Public Employees Labor Relations Act, which became effective on December 21, 1975. See RSA 273-A. Note: A clause preserving the composition of bargaining units and the continuity of collective bargaining agreements (CBA) in place prior to August 23, 1978 was added by an amendment to this statute in 1977. The PELRB has adopted administrative rules, available on the website (N.H. Admin. Rule Pub 100-300), which guide and direct PELRB practice and procedure.

Rank and File

The members of a union. This term does not apply to the leadership of a union.

Ratification

Formal approval of a newly negotiated contract/agreement by vote of the union members affected.

New Hampshire Revised Statutes Annotated – RSA

The State Government, is the collection of New Hampshire Revised Statutes Annotated which relate to the state's government as a whole. Like other portions of the RSAs, the Title is divided into Chapters and Sections organized in numbers and subsections organized in lowercase

State Employees Association – SEA

In 1940, state departments were growing. Many state employees wanted to get acquainted with a larger circle of fellow state workers in a social setting where they could discuss issues of common concern. Other states had such employee associations which were proving very beneficial.

Service Employees International Union - SEIU

Service Employees International Union, an organization of 2-million members united by the belief in the dignity and worth of workers and the services they provide and dedicated to improving the lives of workers and their families and creating a more just and humane society.

Service Employees International Union 1984 – SEIU1984

May 6, 1984 when delegates to a special convention of the SEA approved an affiliation agreement with the 850,000-member SEIU. SEIU Local 1984 had been born. SEIU Local 1984 represents State Employees as well as over 25 other groups.

Seniority

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

Steward

The union representative of a group of fellow employees who carries out duties of the union within the workplace. Example: Handling grievances, recruiting new members and monitoring compliance with the contract. The steward usually is either elected by other union members or appointed by higher union officials. The steward usually remains an employee while handling union business. Some release time (with or without pay) may be available to stewards under specific language in many collective bargaining contracts.

Unfair Labor Practice (ULP)

An employer or union practice forbidden by the NLRB, or state and local laws, subject to court appeal. It often involves the employers efforts to avoid bargaining in good faith. Other examples may include management's failure to provide relevant information the union has requested for either bargaining or grievance handling purposes or management's repeated failure to implement grievance settlements or arbitration awards. Some state laws may use the the "prohibited practices".

Union Label or Bug

A stamp or tag on a product or card in a store or shop to show that the work is done by union labor. The "bug" is the printer's symbol.

Weingarten Rights

The rights of employees covered by the NLRA to request union representation during investigatory interviews if they reasonably believe that the interview could result in their being disciplined. Weingarten rights also guarantee the rights of union representatives to assist and counsel employees during interview which could lead to discipline.

Wrongful Termination

A civil action or lawsuit brought by a discharged employee against the employer, alleging that the termination violated or breached a statutory right, expressed public policy, or an employment contract.