# Table of Contents

- Vision, History, Mission 3
- What Exactly is Collective Bargaining? 4
- Higher Education Employer-Employee Relations Act 5-6
- Collective Bargaining Model 7
- The Collective Bargaining Program 8
- Roles and Responsibilities of Student Representatives 9
- Unions Representing Workers at the UC 10-11
- What Can You Do? 12
- Student & Worker Coalition Contacts 13-14
- Bargaining and the Internet 15-16
- Union Glossary 17-25

AFSCME 3299 & UC Students
In order to ensure a permanent student voice in the State Legislature, the University of California Student Lobby was founded on February 11, 1971. Soon after in 1985, the UC Student Lobby became the University of California Student Association (UCSA), and now the official voice of over 225,000 undergraduate, graduate, and professional students from all UC campuses.

UCSA is a coalition of UC undergraduate, graduate, and professional students and student governments that aims to provide a collective voice for all students through education, advocacy and direct action organizing. UCSA participates in the shared governance of the University of California system, and seeks to advance higher education by empowering current and future students to advocate on their own behalf for the accessibility, affordability, and quality of the University of California system.

UCSA is the recognized voice of UC students to the UC Office of the President, the UC Board of Regents, the California State Legislature and the Office of the Governor.
What Exactly is Collective Bargaining?

*Collective bargaining is a problem solving process whereby representatives of labor and management work out the wages, hours, and other terms and conditions of employment to be embodied in an agreement that is to govern the relations of the parties for a specified period of time.*

**Essential Features of the Collective Bargaining:**

- It is not equivalent to a collective agreement. Collective bargaining refers to a process or means, and collective agreements refer to the possible results of bargaining. Collective bargaining may not always lead to a collective agreement.

- It is methods used by unions to improve the terms and conditions of employment of their members.

- It seeks to restore the unequal bargaining position between employer and employee.

- Where it leads to an agreement, it modifies, rather than replaces the individual contract of employment, because it does not create the employer-employee relationship.
Section 3597: Student Representatives; meeting and conferring on employees in student service or academic personnel

(a) Subject to provisions of subdivision (d), in all meeting and conferring between higher education employers and employee organizations representing student service or academic personnel, a student representative shall have the right to be notified in writing by the employer and the employee organizations of the issues under discussion. A student representative shall have the right to be present and comment at reasonable times during meeting and conferring between the employer and such employee organizations.

(b) The student representative shall be provided access to all documents exchanged between the parties pertaining to the meeting and conferring and shall have the right to have an aide present during all meetings; in the case of mediation of impasses, the student representative shall have an opportunity at reasonable times to comment to the mediator on impasse issues; and shall be free from coercion or reprisals in the exercise of his or her rights as set forth in this section.

(c) The student representative shall respect and maintain the rules governing confidentiality as they pertain to all parties involved in the meeting and conferring. Violations of this provision shall result in the termination of student involvement for the remainder of such meeting and conferring, and such other remedy, if any, deemed appropriate by the board.

(d) For purposes of this section, a student representative shall be designated by the official student body association, if any, of the higher education employer, or segment thereof, engaged in meeting and conferring. If no student body association exists, the students may elect and designate a representative for the purposes of this section.
What Does HEERA All Mean?

Section (a) states that in all collective bargaining sessions, a student representative has the right to be notified in writing by the University and the union of the issues to be discussed in the bargaining session. Students have the right to be present at those sessions and provide comment when reasonable.

Section (b) states that a student representative is to be given access to all documents exchanged between the UC and the union, and have a right to an aide that can also be present at all meetings. The student representative can comment during impasse mediation sessions and that the student should not be coerced or intimidated in any way into not being present at these negotiations.

Section (c) states that students present at these negotiations must adhere to all rules regarding confidentiality, and if violated, a student’s right to be present will be terminated.

Section (d) states that the official student body association designates a student representative.

Most importantly: All student representatives are representatives of UCSA.
There are different steps in the collective bargaining process:

- **Step 1:** Management presents their proposals at a public meeting.
- **Step 2:** After the public meeting, the union(s) select their bargaining representative.
- **Step 3:** Once selected, the union representative(s) negotiate with management on a contract.
- **Step 4:** After a contract is agreed upon, the contract is then administered by both parties.
In the 1970s, the UC Student Lobby (UCSA’s predecessor) fought for student representation in collective bargaining between the University of California and its employees arguing that students were also affected by the outcomes of these negotiations. The Higher Education Employer-Employee Relations Act (HEERA, July 1, 1978) gave students limited rights as third party participants in labor contract negotiations involving University of California employees. Since UCSA is the recognized voice of UC students, UCSA is the official student body association that appoints student representatives to the Collective Bargaining (CB) program.

The Collective Bargaining Program Coordinators recruit and train students to participate in labor contract negotiations between UC administration and the unions.

**The goals of the Collective Bargaining program are to:**

- Educate students about the collective bargaining process by learning the roles of labor and management in the University of California governance structure.

- Train student representatives to negotiate on behalf of UC students at labor contract negotiations by having them participate in bargaining sessions between the University of California and its unions, receiving exchanged material between the two parties, and maintaining communication between the administration and union representatives.

- Advocate for student interests at the bargaining table, to monitor items that would affect the programs and services of a UC campus, thereby affecting the learning environment and education. This includes: increases in student fees which would affect access for low-income students, policy changes in staff or faculty work load, class size, de-funded services, etc.

- Be positive third party representatives, shape dynamics at negotiations by keeping both parties focused on student interests through their presence at the table and through the representation of their experiences; to keep both sides “accountable.”
Roles and Responsibilities of Student Representatives

Attendance
- Come prepared, having read the exchanged materials and know the issues.
- You are free to ask questions when appropriate, but the purpose is really to gather information about these negotiations and report back to UCSA. When at all possible, try to ask questions before and after negotiation sessions occur. It is not uncommon that a negotiation session will have many things on the table to discuss, and you can be the most useful by being a third party observer. Asking appropriate questions and taking good notes is very important. An official student stance on a position must be discussed with UCSA before it is made.
- There is no responsibility for either party to include the student representatives when caucusing—students are encouraged to attend when invited by either administration or union, because strategy sessions are highly educational to learning about the Collective Bargaining process.

Communication
- Student representatives must maintain communication with the Collective Bargaining Coordinators, campus labor unions, and administrative departments (Human Resources/Labor Relations).
- Student representatives must complete a report form (included in this manual) and submit via fax or email no later than 1 week after bargaining sessions to the Collective Bargaining Program Coordinator:
  email: uadirector@ucsa.org   fax: (510) 834.8286

Outreach and Assessment
- Student representatives will assess the impact that certain items in the contract negotiations will have on students, such as how would proposals affect work, study conditions for, student fees, student/teacher or student/T.A. ratios, instruction vs. research, and priorities of faculty and staff?
- Student representatives will assess the impact that certain items in the contract negotiations will have on specific group of students (i.e. working class students, low-income students, a particular major. The student representative should seek to learn about and represent the concerns of specifically affected students.
- Rules governing confidentiality of the negotiations will be respected to the highest degree and followed by each student representative.
Unions Representing Workers at the UC

Listed are the unions that represent employees on the system-wide level. Besides these unions, there are also campus-specific unions that negotiate with the UC.

American Federation of State, County, and Municipal Employees (AFSCME)
Local 3299
AFSCME Local 3299 is the bargaining unit for about 7,000 service workers, 11,500 patient care technical workers and skilled crafts workers who provides vital custodial, transportation, and related basic support services throughout the UC system.

AFSCME Central Office
2201 Broadway Ave, Suite 315
Oakland, CA 94612
Phone: (510) 844-1160
http://www.afscme3299.org

University Council – American Federation of Teachers (UC-AFT)
The UC-AFT is the governance body of the campus UC-AFT locals. They represent over 3,000 non-Academic Senate lecturers and about 400 professional librarians.

University Council-AFT
274 14th Street
Oakland, CA 94612
Phone: (510) 740-0145
http://cft.org/index.php/universities.html

Association of Graduate Student Employees/United Auto Workers (UAW)
UAW Local 2865 is the union representing, primarily graduate students, over 12,500 academic student employees: TAs, tutors, readers, and others.

UAW Local 2865
2855 Telegraph Ave, Suite 305
Berkeley, CA 94705
Phone: (510) 549-3863
http://www.uaw2865.org/

California Nurses Association (CNA)
The UC employs approximately 10,800 Registered Nurses who provide vital medical services at the five UC medical centers, nine student health centers and numerous outpatient clinics throughout the UC system. All non-supervisory, non-managerial Registered Nurses at the UC are in this bargaining unit.

California Nurses Association
2000 Franklin Street
Oakland, CA 94612
Phone: (510) 273-2200
http://www.calnurses.org
Coalition of University Employees – International Brotherhood of Teamsters (CUE-IBT)
This clerical bargaining unit represents about 14,800 clerical employees in the UC system.

Coalition of University Employees
2855 Telegraph Ave. Suite #302
Berkeley, CA 94705
Phone: (510) 845-2221
http://www.cueunion.org

Federated University Police Officers Association (FUPOA)
FUPOA represents the 227 police officers in the University of California system.

FUPOA
1158 26th Street, #401
Santa Monica, CA 90403
Phone: (310) 951-8833
http://www.upoa-la.org/home.html

International Association of Firefighters (IAFF) Local 4437
IAFF is the bargaining unit of about 44 firefighters in the UC system.

IAFF
1750 New York Ave, NW Suite 300
Washington, DC 20006
Phone: (202) 737-8484
http://www.iaff.org

University Professional & Technical Employees – Communications Workers of America (UPTE-CWA) Local 9119
UPTE-CWA Local 9119 represents UC’s 4,200 technical employees, 2,700 health care professionals & 4,600 researchers. CWA is a growing union with about 700,000 members nationally. UPTE affiliated with CWA in 1993, and receives assistance from CWA with organizing, bargaining and legislative issues.

UPTE-CWA
2510 Channing Way #11
Berkeley, CA 94704
Phone: (510) 704-8783
http://www.upte.org
What Can You Do?

As the recognized voice of UC students, UCSA administers a collective bargaining program detailed in the HEERA. UCSA appoints and trains students to become top-notch negotiators for students at the bargaining table with the administration and UC employees!

If you want to learn more about how to participate in a session, when there is a session occurring on your campus, or train students to become negotiators. Please contact the Collective Bargaining Program Coordinator at:

Email: uadirector@ucsa.org | Phone: (510) 834-8286

Besides collective bargaining, there are also other aspects of student labor organizing that you can participate in. Locally, there are student and worker coalitions on every UC campus! (Contacts on the next two pages) As well as national organizations such as:

- USAS: United Students Against Sweatshops
- USSA/SLAP: U.S. Student Association/Student Labor Action Project
  - National Student Labor Week of Action
- JwJ: Jobs with Justice

Civil Disobedience Action in Santa Cruz

Civil Disobedience Action in LA
<table>
<thead>
<tr>
<th>University</th>
<th>Coalition Name</th>
<th>Email</th>
<th>URL</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC Berkeley</td>
<td>Students Organizing for Justice in the America's (SOJA)</td>
<td><a href="mailto:soja@lists.riseup.net">soja@lists.riseup.net</a></td>
<td><a href="http://www.ocf.berkeley.edu/~soja">http://www.ocf.berkeley.edu/~soja</a></td>
</tr>
<tr>
<td>UC Davis</td>
<td>Students Organizing 4 Change (SOC)</td>
<td><a href="mailto:studentsorganizing4change@gmail.com">studentsorganizing4change@gmail.com</a></td>
<td><a href="http://www.facebook.com/group.php?gid=2233655319">http://www.facebook.com/group.php?gid=2233655319</a></td>
</tr>
<tr>
<td>UC Irvine</td>
<td>Worker Student Alliance (WSA)</td>
<td><a href="mailto:workerstudentalliance@yahoo.com">workerstudentalliance@yahoo.com</a></td>
<td><a href="http://www.u-ciwsa.org">http://www.u-ciwsa.org</a></td>
</tr>
<tr>
<td>UC Los Angeles</td>
<td>Student Worker Front (SWF)</td>
<td><a href="mailto:studentworkerfront@gmail.com">studentworkerfront@gmail.com</a></td>
<td><a href="http://www.facebook.com/group.php?gid=9552922025">http://www.facebook.com/group.php?gid=9552922025</a></td>
</tr>
<tr>
<td>UC Merced</td>
<td>M.E.Ch.A de UCM</td>
<td><a href="mailto:mechadeucm@yahoo.com">mechadeucm@yahoo.com</a></td>
<td><a href="http://eflores2007.googlepages.com">http://eflores2007.googlepages.com</a></td>
</tr>
<tr>
<td>UC Riverside</td>
<td>M.E.Ch.A de UCR</td>
<td><a href="mailto:mechadeucri@yahoo.com">mechadeucri@yahoo.com</a></td>
<td><a href="http://www.myspace.com/mechadeucri">http://www.myspace.com/mechadeucri</a></td>
</tr>
<tr>
<td></td>
<td>United Students Against Sweatshops</td>
<td><a href="mailto:usasucr@gmail.com">usasucr@gmail.com</a></td>
<td><a href="http://www.facebook.com/group.php?gid=35151771489">http://www.facebook.com/group.php?gid=35151771489</a></td>
</tr>
</tbody>
</table>


**UC San Francisco**
Latin American Campus Association
URL: http://osl.ucsf.edu/rco/list.html

**UC Santa Barbara**
Student Labor Coalition
URL: http://www.facebook.com/group.php?gid=22120179968

El Congresso de UCSB
Email: elcongresosb@yahoo.com
URL: http://orgs.sa.ucsb.edu/elcongreso/

**UC Santa Cruz**
Student and Workers Coalition for Justice (SWCJ)
Email: swcj@lists.riseup.net
URL: http://www.facebook.com/group.php?gid=6822341115

**UC San Diego**
Students for Economic Justice
Email: swcucsd@gmail.com
URL: http://www.facebook.com/group.php?gid=5672743309
**Bargaining and the Internet**

The internet is a great source of information. Here are a few sites which provide quick and useful resources about collective bargaining and other labor related topics.

**University of California, Los Angeles Labor Center**
http://www.labor.ucla.edu

The Labor Center serves as a vital source of information about unions and workers to interested scholars & students.

**University of California, Berkeley Labor Center**
http://laborcenter.berkeley.edu/

The Labor Center carries out research on topics such as job quality and workforce development issues, works with unions, government, and employers to develop innovative policy perspectives and programs.

**University of California Office of the President (UCOP)**
http://atyourservice.ucop.edu/employees/policies_employee_labor+relations/background/index.html

This UCOP site details all of the labor unions that have contracts with the UC, from system-wide bargaining units to campus-specific bargaining units. UCOP also provides information on contract agreements, HEERA, and the collective bargaining process with the UC.

**California Department of Industrial Relations**
http://www.dir.ca.gov

This site contains information on the California Labor Code, state mediation services, prevailing wages and CAL-OSHA.

**American Federation of Labor – Congress of Industrial Organizations (AFL-CIO)**
http://www.aflcio.org/index.cfm

This site contains statements, testimonials, and programs of the AFL-CIO on union issues. This site also provides links to member union web pages, and links to other sites including Labor Federations and the Bureau of Labor Statistics.
Bureau of Labor Statistics (BLS)
http://stats.bls.gov
Click on “U.S. Economy at a Glance” for a year’s worth of earnings, labor force and consumer price data. The site also contains surveys and other programs developed by the Bureau of Labor Statistics and links to other statistical sites.

National Labor Relations Board (NLRB)
http://www.nlrb.gov
NLRB is a national board that administers the National Labor Relations Act by conducting representative elections and investigating unfair labor practices.

Federal Mediation and Conciliation Service (FMCS)
http://www.fmcs.gov
FMCS is a federal agency which oversees dispute resolution and conflict management during bargaining. Also a source of information on interest based bargaining.

LaborNet
http://www.labornet.org
This comprehensive labor site features action alerts on strikes, union campaigns, labor legislation, organizing, labor events and publications. It also provides links to unions and labor federations, industrial relations department at universities, research organizations, political parties, libraries, and social activist sites.


**Union Glossary**

**Agency shop:** a union security provision to eliminate *free riders*. All employees in the bargaining unit are required to pay dues or service charges to the collective bargaining agent. This provision is intended to compensate the union which, by law, must give full and equal protection to all members of the bargaining unit it represents, regardless of membership status. Also known as *fair share*.

**Agreement, collective:** a contract or mutual understanding between a union and a company or their representatives setting forth the terms and conditions of employment, usually for a specific period of time.

**Arbitration:** a procedure whereby parties unable to agree on a solution to a problem indicate their willingness to be bound by the decision of a third party. The parties usually agree, in advance, on the issues which the third party (the arbitrator) is to decide. This agreement is usually known as the *submission* and the arbitrator is limited and confined by the scope of the submission.

**Arbitration award:** the final and binding decision of an arbitrator or arbitration tribunal. In labor management arbitration the award is in writing and is usually at the end of the opinion setting out the reasons for the award. Although the award is final and binding on the parties, most state arbitration statutes provide for appeal on specific grounds. These grounds generally include: 1) an award procured by corruption, fraud or undue means; 2) an award based on partiality or corruption of the arbitrator; 3) an award based on failure to provide either party with a fair and impartial hearing; 4) an award where the arbitrator exceeded his power, or so imperfectly executed it that a mutual, final, and definitive award was not made.

**Arbitration clause:** a provision in the collective bargaining agreement stipulating that disputes arising out of the application of the contract be subject to arbitration. The clause may be broad enough to include *any dispute* or be confined by the parties to specific areas or issues.

**Arbitration, grievance:** a voluntary means of settling grievances which arise from the interpretation or application of an existing contract. The arbitrator clarifies the meaning of contract provisions and renders a decision when disagreements cannot be settled on the lower levels of grievance procedure. Collective Bargaining agreements generally provide for arbitration as the final step in the machinery set up to handle grievances. The arbitrator, under an agreement, is generally limited to the interpretation and application of the agreement, and he is required not to add to or amend the contract in his award.
Arbitration, interest: arbitration involving the determination of new contract provisions. A neutral third party or panel is convened as the final step of the impasse procedure in bargaining. The process is similar to fact-finding but the decision is binding on the parties. Arbitration of bargaining disputes is not a part of the EERA.

Arbitrator: the individual who has been designated by the parties to make a final and binding decision on the basis of evidence presented to him.

Authorization card: during an organization campaign a union may obtain a statement from each employee indicating that he authorizes the union to act as his representative.

back pay: wages or earnings due to an employee because of a) improper layoff or discharge under the collective bargaining agreement b) wage adjustments following a grievance under the contract.

Bargaining agent: the union certified by a national or state labor agency to represent a majority of the employees in an appropriate bargaining unit and to be the exclusive bargaining agent for those employees.

Bargaining rights: the legal authority of the union certified as the duly authorized bargaining agent to collectively negotiate, for all employees including non-members in the bargaining unit, the terms and conditions of employment and to act as the agent.

Bargaining unit: the group of employees held by national or state labor boards to constitute the unit appropriate for bargaining purposes.

Bumping: the procedure used during layoffs where an employee with greater seniority has the right to displace an employee of lesser seniority. The bumping process is utilized during periods of layoff, reorganization, or job elimination.

Captive audience: a group of workers assembled by an employer during working hours to listen to the employer discuss unionization or the employer’s point of view during an organization drive or a statement on how much the employer has done for their workers.

Cease and desist order: command issued by a labor relations board requiring employer or union to abstain from unfair labor practice.

Certification: the formal determination by an administrative agency, such as PERB, that a union is the majority choice and hence the exclusive bargaining representative of all employees in a particular bargaining unit. The determination usually follows a secret ballot election of employees in the bargaining unit.

Charge: formal allegations against employer or union under labor relations acts on the basis of which, if substantiated, a complaint may be issued by labor board.
Collective bargaining (labor contract negotiations): a method of bilateral decision-making in which the employer and the exclusive representative of the employees determine wages, hours, and terms of conditions of employment for all workers in a bargaining unit through direct negotiations. The bargaining normally results in a written contract (memorandum of understanding) that is mutually binding and sets wages, grievance procedures, and other conditions of employment to be observed for a stipulated time.

Collective bargaining agreement (contract, labor contract): a written agreement or contract arrived at as the result of negotiations between an employer and a union. It usually contains provisions on conditions of employment and the procedures to be used to settling disputes during the term of the contract. It is referred to as a memorandum of understanding (MOU) when the agreement is between a union and a public employer.

Complaint: formal statement by the National Labor Relations Board, after the investigation of a charge, that it has a prima facie case involving a violation of the law. The complaint sets forth the basis for the Board’s jurisdiction and the alleged unfair practices committed by the employer or the union.

Consumer price index: formerly known as the Cost of Living Index. The Index, which is issued monthly by the Bureau of Labor Statistics, measures the average change in prices of goods and services purchased by moderate-income families, describing shifts in the purchasing power of the consumer’s dollar.

Crisis bargaining: term used to characterize collective bargaining taking place under the shadow of an imminent strike deadline, as distinguished from extended negotiations in which both parties enjoy ample time to present and discuss their positions.

Discharge: permanent separation of employee from payroll by employer

Discipline: action by an employer, short of discharge, against an employee for infraction of company or contract rules. Discipline may take the form of loss of rights under the agreement, being sent home for a period of time, loss of pay, or other penalties set out in the contract or agreed to as a method of avoiding or reducing the incidence of infractions.

Dispute: a controversy between an employer and a union, or between unions, or a union and its members, which usually leads to conflict in the labor-management field. Sometimes used instead of the term strike. Many disputes, however, are settled before they culminate in a strike.

Economic strike: a work stoppage which results from inability of an employer and a union to agree on wages, hours, or other conditions of employment. The National Labor Relations Board distinguishes between economic strikes and unfair labor practice strikes. Strikes or work stoppages which result from or are prolonged by unfair labor practices of the employer are protected and the Board will order reinstatement of workers after the strike is concluded.
**Employee:** according to HEERA, any employee of the Regents of the University of California, the Directors of Hastings College of the Law, or the Trustees of the California State University.

**Employer-employee relations:** the entire gamut of relationships that exist in, or arise out of, employment of workers by an employer. The term has been used synonymously with labor-management relations, industrial relations, or labor relations.

**Enforcement of agreement:** collective bargaining agreements are generally self-enforceable. Differences as to the interpretation or application of the contract generally are subject to the grievance machinery and final arbitration.

**Exclusive representative:** the employee organization recognized or certified as the exclusive negotiating representative of certificated or classified employees in an appropriate unit of a public school employer.

**Fact finding panel:** impasse step following mediation. The Panel includes a neutral chairperson and one representative from each party. The Panel shall meet with the parties or their representatives, either jointly or separately, and may make inquiries and investigations, hold hearings, and take such other steps as it may deem appropriate. In arriving at their findings and recommendations for settlement, the fact-finders shall consider, weigh, and be guided by criteria enumerated in the EERA.

**Free riders:** employees who do not belong to a contract-holding union (but who are eligible for membership), who do not pay dues or other fees and assessments to the union, but who receive the benefits of the union’s activities in collective bargaining and grievance and arbitration handling.

**Fringe benefits:** non-wage benefits or payments received by workers. They include such items such as vacation pay, paid sick leave, paid holidays, pensions, insurance benefits, etc.

**Grievance:** any complaint by an employee or by a union concerning any aspect of the employment relationship. The complaint may be real or fancied, arbitrable or non-arbitrable under the contract. Arbitrable grievances are usually those which arise out of the interpretation or application of the terms of the collective bargaining agreement.

**Grievance procedure:** the procedure set up usually in the collective bargaining agreement, to resolve problems which arise in the application and interpretation of the contract, or problems which arise out of the agreement.

**Higher education employer-employee relations act (HEERA):** enacted in 1978 as Assembly Bill 1091 (Berman) to provide the means by which relations between each higher education employer and its employees may assure that the responsibilities and authorities granted to the separate institutions under the Constitution and by statute are carried out in an atmosphere which permits the fullest participation by employees in the determination of conditions of employment which affect them. It is the intent of this
chapter to accomplish this purpose by providing a uniform basis for recognizing the
right of the employees of these systems to full freedom of association, self-organization,
and designation of representatives of their own choosing for the purpose of
representation in their organizations as their exclusive representative for the purpose of
meeting and conferring.

**Impasse:** when the parties to a dispute over matters within the scope of representation
have reach a point in meeting and negotiating at which their differences in positions
are so substantial or prolonged that future meetings would be futile.

**Informational picketing:** a form of publicity picketing which permits “purely
informational picketing” and/or truthfully advises the public (including consumers) that
the employer does not have a contract with the union.

**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. For many years, the usual response to picketing and boycotts
by unions was for the employer to go into court and obtain an injunction.

**Intimidation:** actual or implied threats to induce employees to refrain from joining or to
join a labor organization; threats used in other aspects of labor controversies, such as in
picketing.

**Judicial review:** proceedings before courts for enforcement or setting aside of orders of
labor relations boards. Review is limited to conclusions of law, excluding findings of fact
unless these are unsupported by evidence.

**Labor relations board:** quasi-judicial agency set up under national or state labor
relations acts whose duty it is to issue and adjudicate complaints alleging unfair labor
practices; to require such practices to be stopped; and to certify bargaining agents for
employees in dealing with employers. In California, the labor relations board is called
the Public Employment Relations Board (PERB).

**Layoff:** a term generally applied to a temporary or indefinite separation from
employment. Employees in layoff status usually retain certain seniority rights and other
protection under contract or company practice.

**Lockout:** the lockout is the employer’s side of the economic pressure when the parties
are unable to resolve their problems in negotiations or agree on the terms or conditions
of employment. The strike is the union’s last resort; the lockout is the employer’s. The
lockout generally implies the temporary with holding of work, by means of shutting
down the operation or plant, from a group of workers in order to bring pressure on them
to accept the employer’s terms.

**Mediation:** the first step of impasse under the EERA. In mediation, a third party, the
mediator, attempts to suggest to the parties various proposals and methods for the
actual resolution of the problem. One of the key ingredients in the mediation process is
the attempt to sense or determine what the actual needs of each of the parties are.
Through the interchange of ideas and concepts and a clarification of the particular issues of prime concern, as against those which are peripheral, the mediator is able to bring the parties to the point where a solution is advanced either by the mediator or by the parties themselves. The mediator rarely acts to pressure either party to accept a solution which s/he has placed on the table for discussion and rarely takes part in debate concerning the merits of a particular issue except where it comes to a matter of fact which can be determined either by reference to statistical or other data or to court decisions or the actual language of a statute.

**Mediator:** the person who is a conciliator or mediator. An impartial third party or public official, or, rarely, a person chosen by both parties, who, under federal or state law, meets with the parties, acts as a go-between, and suggests possible avenues for resolving the particular issue in dispute. Some refer to the mediator as an industrial diplomat or catalytic agent who is able to effect solutions to particular problems by working with the parties but is not permitted to use force or pressure to effect a settlement. In attempting to find a common basis for agreement, s/he does not attempt to impose any particular solution on his own, but tries to find some solution which would be acceptable to the parties and which they would feel helped resolve their problems. His powers are essentially powers of persuasion and conviction rather than force.

**Memorandum of understanding (MOU):** a written collective bargaining agreement (contract) between a public agency and an employee organization (union) setting forth agreed terms and conditions of employment.

**National labor relations board:** the agency designated to administer the provisions of the National Labor Relations Act, as amended by the Taft-Hartley Act (1947) and the Landrum-Griffin Act (1959) with respect to conducting employee representation elections and administering specified aspects of collective bargaining in private sector employment as defined by the law.

**Negotiation:** the process whereby the representatives of employees and the employer meet for the purpose of reaching agreement on wages, hours and conditions of employment for those in the appropriate bargaining unit, and methods for administering the agreement.

**Negotiating committee:** representatives or agents of a union or an employer selected to negotiate a collective bargaining contract.

**No lock out clause:** a provision in a collective bargaining contract in which the employer agrees that he will not withhold work from individuals or close down his plant or operation in order to force the employees to accept his terms. A no-lockout clause is almost invariably joined with a no-strike clause in which the employees agree that they will not take any action to stop work for the duration of the collective bargaining agreement.

**No strike clause:** a provision in collective bargaining agreements in which the union gives its promise that during the term of the contract the employees will not engage in
activities that will result in a stoppage of work at the employer’s plant. The no-strike clause is paralleled with a no-lockout clause.

**Picket:** an individual or person generally assigned by a union, and almost always a member of that organization, to stand or walk near the approaches to a place of work or the exits from which the employees leave the worksite. The purpose is to persuade and influence the employees not to enter the premises or, if they are already in it, to join the union. A picket is not, of course, limited to an industrial dispute, but may be used in any demonstration of protest by a show of signs or banners against the policies of those in authority.

**Proposal:** generally applies to the specific offer made by either management or labor during collective bargaining. The proposal may be on the record or off the record; it may be the basis for discussion; or it may be submitted as the only offer one side is willing to accept.

**Public notice:** that section of the EERA which requires that: a) all initial proposals of exclusive representatives and of public school employers, which relate to matters within the scope of representation, shall be presented at a public meeting of the public school employer and thereafter shall be public records; b) meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the public school employer; c) after the public has had the opportunity to express itself, the public school employer shall, at a meeting which is open to the public, adopt its initial proposal; d) new subjects of meeting and negotiating arising after the presentation of initial proposals shall be made public within 24 hours. If a vote is taken on such subject by the public school employer, the voter thereon by each member voting shall also be made public within 24 hours.

**Recognition:** the acceptance by a public employer of a union as the exclusive representative of employees in a bargaining unit. Recognition is a major step in the establishment of a collective bargaining relationship and usually follows an election in which the majority of employees voting have selected an organization to represent them. Under certain conditions, (i.e. where there is no doubt that the employee organization represents a majority), employers may voluntarily recognize an organization without an election.

**Reduction in force (RIF):** a term generally applied to a temporary or indefinite separation from employment. Employees in layoff status usually retain certain seniority rights and other protection under contract or company practice.

**Representation election:** procedures established by federal and state statutes to determine the organizations properly representative of employees for the purpose of collective bargaining. Federal and state machinery is designed to permit employees to designate their bargaining agent without restraint, interference, or domination.
Reprimand: a formal letter of official censure. It is disciplinary action less severe than a discharge.

Seniority: the length of service of an individual employee. Length of service frequently determines his/her position when layoffs and rehires take place, and frequently is an important factor in promotions and transfers. The seniority principle rests on the assumption that the individuals with the greatest length of service within the company should be given preference in employment.

Settlement: a term generally applied to the agreement, mutually agreed upon between labor and management, resolving a particular dispute or, if a contract negotiation is involved, the mutual agreement on the basis of which a dispute is avoided, or if one has been in progress, is settled.

Strike: a temporary stoppage of work or a concerted withdrawal from work by a group of employees to enforce demands affecting wages, hours, and/or working conditions. It is a concerted withdrawal of work, since it is the action of a group, and it is a temporary withdrawal, since the employees expect to return to work after the dispute has been resolved. Strikers consider themselves employees of the company with a right to return to the job once the dispute has been resolved.

Strike authorization: a strike vote that invests a designated group—union officers, executive board, negotiating committee, and so forth—with the right to call a strike on a given issue without further consultation with the membership.

Strikebreaker: a person, not a regular employee, who accepts employment in a struck plant. A strikebreaker is distinguishable from a scab, who is an employee who continues to work during a strike. A strikebreaker may pretend to work, or may be a guard, or a fink.

Strike vote: a vote conducted at a union membership regular or special meeting, by secret ballot, voice vote, or show of hands, to decide whether or not to go on strike.

Subcontracting: a procedure followed by many companies to sublet certain parts of the operation to subcontractors, rather than have the company’s employees perform the work, frequently on the ground that the work can be performed more efficiently and with less expense to the main company.

Suspension: a form of disciplinary action by an employer less drastic than discharge. It is frequently used as a warning to the individual that a continuation of certain conduct will result in ultimate discharge.

Sympathy strike: a strike called by a union to support another union in a labor dispute in which the first union is not directly involved.

Unfair labor practice: actions of employers or unions that are prohibited as unfair labor practices under the federal or state labor relations statutes.
**Unfair labor practice strike:** a work stoppage caused or prolonged, in whole or in part, by actions of the employer which are held to be unfair labor practices under federal or state labor laws.

**Union shop:** a term primarily used in the private sector. A form of union security which lets the employer hire whomever he pleases but requires all new employees to become members of the union within a specified period of time, usually 30 days. It also requires the individual to remain a member or pay union dues for duration of the collective bargaining agreement.

**Unit:** shortened form of “unit appropriate for collective bargaining.” It consists of all employees entitled to select a single agent to represent them in bargaining collectively.