

Key Terms:

for Engaging with Teacher Unions and Education Associations

Affiliate: Refers to a local union that is chartered with a state and national union—or a state union that is chartered with a national union. An affiliate may also be referred to as a local, chapter, and council. Not all affiliates are states, e.g. District of Columbia, Department of Defense Education Activity (DoDEA).

Arbitration: A process for resolving disputes or bargaining impasses where an outside, neutral arbitrator:

- determines if there was a violation of the collective bargaining agreement (known as “grievance arbitration”, typically the last step in the grievance process)
- decides the outcome of contract issues that were not settled at the bargaining table (known as “interest arbitration”) or
- determines a resolution/outcome that is final and enforceable, (known as “binding arbitration”).

Arbitrator: A neutral third party who makes a decision about a dispute.

Association Representative (AR): An elected, appointed, or volunteered education staff member who serves as a leader and point of contact at the building or site level for fellow union members. An AR engages new members, organizes colleagues for collective actions, and may represent members in discussions or grievances. The AR is sometimes referred to as a “steward.”

Bargaining for the Common Good: A strategy where unions collaborate with community groups to broaden their advocacy—that goes beyond traditional collective bargaining—to include demands that will benefit the entire community.

Bargaining Law: Gives employees the right to join a union and engage in union activities without fear of retaliation. It also requires unions and employers to bargain in good faith.

Bargaining Rights: The legal authority of a union to negotiate a collective bargaining agreement.

Bargaining Team: A group of union leaders and members who are appointed or elected to serve as the representatives of the union for the purposes of collective bargaining.

Bargaining Unit: A group of employees who have a common interest and who are recognized as part of a union. In states that permit collective bargaining, the bargaining unit would consist of union employees—which includes members and nonmembers—who are covered by a collective bargaining agreement. (e.g. education support personnel, administrative assistants).

Binding Arbitration: A form of alternative dispute resolution (ADR) where parties agree to have their dispute heard by a neutral third-party arbitrator, whose decision is final, legally enforceable and typically the last step in a grievance process.

Collective Action: A group of people taking a form of action together to achieve a common purpose or demand.

Collective Bargaining: An exchange of ideas between unions and management who must negotiate in good faith over the terms and conditions of employment—such as salary, benefits, and working conditions.

Collective Bargaining Agreement: A legal, binding contract that includes the terms that were agreed upon in collective bargaining. It becomes effective after union members ratify the tentative agreement.

Collective Bargaining Statute: A law that establishes or protects the rights of employees to organize into unions and negotiate the terms and conditions of employment such as wages, work hours and benefits. A collective bargaining statute may note whether strikes are permitted or prohibited.

Delegate Assembly: A meeting where delegates, (who are elected by their co-workers to represent the voice of the union) gather to discuss and make decisions on behalf of their members.

Duty of Fair Representation (DFR): The legal obligation of the union (or association) to represent all members of the bargaining unit fairly, without discrimination, in collective bargaining and grievances—not just dues-paying members.

Education Association: An organization that advocates educational professionals, sets standards for the professions and may or may not include collective bargaining.

Grievance: A formal complaint regarding a violation of the collective bargaining agreement. Grievance procedures are negotiated and included in the collective bargaining agreement. If the parties cannot resolve a grievance at an early step in the process, then the dispute is typically resolved in binding arbitration. (see *Binding Arbitration*)

Impasse: A situation in which a decision cannot be reached resulting in a stalemate in negotiations.

Interest-Based Bargaining: A collaborative negotiation strategy that focuses on the interests of involved parties to find a mutually beneficial solution to an issue.

Janus v. AFSCME Decision: A 2018 U.S. Supreme Court decision eliminated mandatory union memberships and fair share or agency fees for workers in the public sector.

Labor Board / Labor Commission: A government agency responsible for administering and enforcing the collective bargaining law, conducts union representation elections, oversees and administers bargaining impasse procedures, and decides on unfair labor practices and other proceedings under the bargaining law.

Labor-Management Collaboration: A formal and ongoing partnership for collaborative problem solving and decision making.

Meet and Confer: A legal obligation requiring parties to hold good faith discussions to resolve disputes before filing a complaint.

Memorandum of Understanding (MOU): A signed agreement that can either stand alone or serve as a supplement to an existing collective bargaining agreement. Also referred to as a memorandum of agreement (MOA).

Ratification: A process in which union members vote to approve the newly negotiated agreement, giving it formal approval and making it enforceable.

Recognition (or Certification): The formal acknowledgement of a union as the representative of an employee bargaining unit. In states with statutes, typically the employer can either (a) choose to voluntarily recognize the union when the employees show a significant amount of interest in establishing a union or—the more common process (b) hold a secret-ballot election. In non-statute states, the employer must voluntarily recognize the union.

Representative Assembly (RA): The annual state affiliate meeting where elected delegates vote to decide the policy, priorities, and budget of the union. Some unions may call this a convention.

Right to Work: Laws that allow employees to work without joining a union or paying union fees. It prohibits unions from negotiating contract provisions that require all employees covered by a collective bargaining agreement to join or pay for the cost of union representation, often called agency fees. In 2018, the U.S. Supreme Court ruled in *Janus v. AFSCME* that agency fee provisions were unconstitutional for public sector employees. (see *Janus v. AFSCME decision*).

Scope of Bargaining: Defined by statute, case law, or precedence in states where a collective bargaining law exists. Subjects of bargaining are designated as follows:

- **Mandatory:** Issues that both parties are legally obligated to negotiate in good faith.
- **Permissive:** Issues that either party can bring to the bargaining table but that neither party is legally obligated to negotiate.
- **Prohibited:** Issues that (a) cannot legally be negotiated or included in a collective bargaining agreement and (b) are not legally enforceable by law.

Strike: An authorized work stoppage—most frequently associated with local collective bargaining—over salary, working conditions or other contract provisions. Strikes are not legal in some states.

Strike Authorization: The process in which local association members vote to approve a strike (see *Strike*) or to give the bargaining team the authority to call a strike.

Tentative Agreement (TA): An agreement reached by the union and employer bargaining teams. Both sides must ratify the TA before it can become effective.

Unfair Labor Practice (ULP): Any action that is in violation of the collective bargaining statute.

Union: A labor organization that represents employees to negotiate for improved pay, benefits and working conditions and focuses on collective bargaining.

Union Dues: Fees that members pay to (a) cover their union membership and (b) support the union's work and activities, such as collective bargaining, or providing legal representation. These dues are typically a percentage of the members' wages or a set fee.

Uni Serv Director: A professional staff member of a teachers' union who supports the state and local union as well as individual union members in a defined geographic area. This type of staff position is also commonly referred to as a labor relations consultant or field/business representative.