

COLLECTIVE BARGAINING VOCABULARY¹

A resource guide to understanding negotiation terms

Yosemite Faculty Association

AGREEMENT

A written settlement or contract between an employer and an employee organization, usually for a definite period of time, defining the conditions of employment (wages, hours, vacations, holidays, school calendar, working conditions, etc.), rights of the employer, rights of employees and the employee organization, and procedures to be followed to settle disputes or handle issues that arise during the life of the agreement.

ARBITRATION (voluntary, compulsory, advisory)

Method of settling employment disputes through recourse to an impartial third party. Arbitration is voluntary when both parties agree to submit disputed issues to arbitrations, and compulsory is required by law. Advisory arbitration is an award that is not binding on either party.

BARGAINING REPRESENTATIVE

An organization elected by the majority of employees or recognized voluntarily by the employer, as the representative of all employees in the negotiating unit for purposes of collective bargaining.

BARGAINING UNIT

A group of employees recognized by the employer and certified by state as appropriate for representation in collective bargaining.

CONSENSUS

A decision that everyone in the group supports, agrees to, or can live with.

¹ Taken from the Missouri National Education Association at www.mnea.org, and *Introduction to Interest Based Negotiations and Problem Solving*, Center for Collaborative Solutions at <http://www.ccscenter.org>

COLLECTIVE BARGAINING

A process whereby a representative of the employees and their employer jointly determine the terms and conditions of employment, resulting in the execution of a mutually acceptable, written agreement.

EXCLUSIVE BARGAINING RIGHTS

The right and obligation of an employee organization designated as majority representative to bargain collectively for all employees, including non-members, in the bargaining unit.

FACT-FINDER

An individual or group of individuals appointed to investigate, assemble and report the facts in an employment dispute, with authority to make recommendations for settlement.

FAIR SHARE

Fair share is a negotiated provision in an agreement that requires non-members to pay their fair share of the costs of representing them.

GRIEVANCE

A formalized complaint alleging that one party to an agreement is infringing upon the rights of a second party to the agreement. This complaint follows a procedure usually described in detail in the agreement. The complaint may arise over alleged misapplication or misinterpretation of the terms of the agreement.

IMPASSE

A point in time when neither party is willing to make a move closer to the position of the other. Their best offers (at the time) are on the table, neither of which is acceptable to the other party, bringing them to a point of impasse.

INTEREST-BASED BARGAINING (IBB)

This is an approach to making decisions by selecting solutions that best meet the interests of all involved—which can be either a specific process used by both parties or a way of thinking when negotiating or decision-making. This is in contrast to *position-based bargaining*, which is an

approach to decision-making by offering proposals and working to win others to support that proposal.

MEDIATION

An attempt by a neutral third party to facilitate collective bargaining or settle an employment dispute through suggestions, advice or other ways of stimulating agreement, short of dictating its provisions (which an arbitrator can do). Most of the mediation in the United States is undertaken through federal and state mediation agencies. A mediator is a person who undertakes mediation of a dispute. Conciliation is synonymous with mediation.

RATIFICATION

A process whereby all members of the represented unit review any and all changes negotiated for a new agreement, after which a vote is taken on whether the new agreement should be accepted or rejected. A new agreement can only be signed and effective following ratification by both parties.

STAKEHOLDER

A person with a stake in the issue under negotiation; anyone affected by the problem and/or the solution.

SUNSET CLAUSE

A stipulation, mutually agreed to, that puts a time limit on an agreement.

SUNSHINE

Re-openers for negotiations, called this because the topics are "open to sunshine" or stakeholders for review before collective bargaining begins.