



## Glossary of union-related terms

*This glossary of terms is specific to NYSNA; some terms may be more broadly applicable*

**Affiliate:** A local union that is chartered with a state and national union or a state union that is chartered with a national union (example: NYSNA is an affiliate of the National Nurses United).

**Arbitration:** A process for resolving disputes where an outside, neutral arbitrator determines if there was a violation of the collective bargaining agreement.

**Bargaining for the Common Good:** An innovative bargaining and organizing strategy where unions use collective bargaining campaigns or other forms of advocacy as an opportunity to organize with local partners and allies around a set of bold demands that broaden the scope of traditional collective bargaining to benefit not just the bargaining unit, but the community as well.

**Bargaining Rights:** The legal authority of a union to negotiate a collective bargaining agreement. In the public sector, the level of bargaining rights that unionized workers have is determined by a collective bargaining law in states that have one. Those rights vary from state to state. In the private sector bargaining is covered by federal law/the NLRB.

**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 workers with a common interest recognized as part of a union. Also called a Local Bargaining Unit or abbreviated to LBU.

**Boycott:** An organized call to the public not to buy products or services from a specific company or organization. In labor movements, boycotts are used to protest low wages, unsafe working conditions, long hours, discriminatory practices, unionbusting, and more.

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

**Collective Bargaining:** A process 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 can also be used to secure patient-and community-centered demands. (See *Bargaining for the Common Good*.)

**Collective Bargaining Agreement (CBA or Contract):** The resulting legal, binding agreement codifying the language agreed upon in collective bargaining. It goes into effect after union members ratify the tentative agreement.

**Collective Bargaining Statute:** In the public sector, collective bargaining statutes provide the legal framework for collective bargaining in each state (or at the federal level). It gives workers and unions the right to organize and negotiate the terms and conditions of employment and requires the employer to enter into a written agreement. A collective bargaining statute may note whether strikes are permitted or prohibited. In New York State, the Public Employees' Fair Employment Act, also known as the Taylor Law, establishes the rights and protections of public workers, including prohibiting the withholding of labor (striking).

**Contract Campaign:** A strategic plan to exert pressure on an employer to bargain in good faith or agree to specific union demands, usually involving the whole membership and a series of escalating actions.

**Contract Action Team (CAT):** A Contract Action Team, or CAT, is an internal union network of member activists created to engage and activate members using a two-way pipeline of communication. By creating vital new roles and delegating responsibilities, the union can position itself to build capacity and develop enough power to win demands. It also enables the union to identify new activists and leaders to continue to build on its successes for the future along with a stronger and sustainable democratic movement. Finally, it creates structures that are in place to continue building power in between contract fights.

**Convention:** The annual meeting where elected delegates vote to decide the policy, priorities, and budget of the union.

**Convention Delegate:** Elected leaders for three-year terms to represent members of a bargaining unit.

**Duty of Fair Representation (DFR):** It is the legal responsibility of the union to represent all members of the bargaining unit in collective bargaining and grievances without discrimination.

**Escalation:** A union escalation plan guides members in putting pressure on the employer to secure a fair, negotiated contract or a shop floor issue. Actions are taken on a schedule that escalates pressure on management in various ways to express that workers deserve a fair contract or improved working conditions.

**Good (bad) faith bargaining:** The collective bargaining process requires the parties to negotiate in good faith and attempt to reach a written agreement. The lawful duty to bargain “in good faith” generally means that the parties must genuinely endeavor to reach an agreement while negotiating. (Within the scope of negotiations, bad faith suggests that one party isn't genuinely striving for a just and reasonable agreement.)

**Grievance:** Generally, a violation of the collective bargaining agreement where a formal written complaint is filed with the employer by the grievant (employee or union). Grievance procedures are negotiated and included in the collective bargaining agreement. If unable to resolve at an early step in the process, the dispute is typically resolved in binding arbitration.

**Impasse:** A stalemate in collective bargaining negotiations typically triggers a mandatory dispute resolution or impasse procedure. Impasse procedures usually start with mediation; if mediation does not result in an agreement, one of the following impasse procedures may be in effect: fact finding (where an outside, neutral party makes recommendations on contract issues that neither side must accept); interest arbitration (see *arbitration*); a unilateral employer-imposed agreement, or a strike (see *strike*).

**Labor Board/Labor Commission:** State government agency responsible for administering and enforcing the collective bargaining law in the public sector. Often referred to as a Public Employee Relations Board, or PERB, the labor board/commission conducts union representation elections, oversees and administers bargaining impasse procedures, and decides on unfair labor practices and other proceedings under the bargaining law.

**Memorandum of Agreement (MOA) or Understanding (MOU):** A signed agreement that can be either a stand-alone agreement or a supplement to the existing collective bargaining agreement.

**The National Labor Relations Board (NLRB):** An independent federal agency created in 1935 and vested with the power to safeguard private sector workers' rights to organize, engage with one another to seek better working conditions, choose whether to have a collective bargaining representative negotiate on their behalf with their employer, or refrain

from doing so. The NLRB also acts to prevent and remedy unfair labor practices committed by private sector employers and unions, as well as conducts secret-ballot elections regarding union representation. Farm and domestic work were excluded from these protections.

**Picketing:** Picketing is a method of protesting where workers stand outside of a workplace or organization to publicize an issue, often a labor dispute, and persuade coworkers or customers to withhold their work or business. Picketing allows the picketers to notify the public of the existence of a strike, to disseminate information concerning the controversy, and to communicate the facts dealing with their side of the dispute. Usually, the picketers bear signs with messages voicing their grievances.

Picketing is constitutionally protected as an exercise of freedom of speech. However, picketing is subject to regulation. For example, where picketing takes place may be restricted, or a company may be able to get an injunction to prevent picketing.

**Ratification:** The formal process in which union members vote to approve the newly negotiated tentative agreement. (The employer must approve the tentative agreement as well through its own approval process).

**Recognition (or Certification):** The process of a union being formally certified, or recognized, as the representative of an employee bargaining unit. The employer can either choose to voluntarily recognize the union when a significant amount of interest to establish a union is shown by the workers or, if the employer refuses to recognize, a secret-ballot election is held.

**Rally:** Gathering or public meeting of workers making a political protest or showing support for a cause. It's part of a larger strategy to make demands visible publicly and put pressure on the employer to act in the worker's interest.

**Rank and File:** The members of a union. This term does not apply to the leadership of a union.

**Retaliation:** Discrimination against workers because of their union activities or sympathies

**Right to Work:** Laws that prohibit unions from negotiating contract provisions that require all workers 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 vs AFSCME* that agency fee provisions were unconstitutional for public sector workers.

**Release time representative/union leave:** Release of worker on paid leave to do union work.

**Steward:** A union member who serves as a leader in the facility or department. A steward engages new members, organizes coworkers for collective actions, and may represent members in discussions or grievances with management.

**Scab:** A strikebreaker (customarily called a scab) is someone who crosses a picket line during a strike, choosing to work instead of joining coworkers in protesting low wages or harsh treatment by an employer.

**Strike:** An employee work stoppage, most frequently associated with local collective bargaining, over economic items and/or other contract provisions. The Constitution's First Amendment and Federal Labor Law protect people's right to engage in picketing and to publicize a dispute and to strike. Most but not all modern contracts have provisions prohibiting strikes until after the contract expires. Strikes can occur in protest of unfair labor practices (ULP Strikes) or solely over bargaining demands ("economic strikes"). In ULP strikes, once the union makes an offer to return to work, the employer must dismiss replacement workers and allow strikers to return. In economic (non-ULP) strikes, workers are guaranteed their jobs only after replacements resign or the business expands.

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

- *Mandatory:* issues that both parties are legally obligated to negotiate in good faith (such as wages, hours and working conditions);
  - *Permissive:* issues that can be brought to the bargaining table by either party but that neither party is legally obligated to negotiate; and
  - *Illegal:* issues that are not legally enforceable
- Tentative Agreement (TA):** An agreement reached by the union and employer bargaining teams. Both sides must ratify the TA before it can become effective. The terms of the existing collective bargaining agreement not affected by the TA remain in full effect.

**Solidarity:** Solidarity in the labor movement refers to the collective strength and unity among workers. It's what empowers us to negotiate for improved working conditions, job security and better wages. Solidarity creates a sense of belonging and fosters a workplace culture where workers care for one another and resist capital's logic of worker competition. It's what gives workers a unified, collective group identity despite our many individual differences.

**Strike Authorization:** A process where union members vote to approve a strike or to give the bargaining team the authority to call a strike.

**Unfair Labor Practice (ULP):** A violation of the collective bargaining law. A bargaining law gives workers the right to join a union and engage in union activities without fear of retaliation for doing so. It also requires unions and employers to bargain in good faith. ULPs are filed with the National Labor Relations Board, which determines if rights were violated or if duties and obligations were not met.

**Union:** A group of workers (at NYSNA, healthcare workers) who unite and have legal rights to form a democratic group that advocates for better conditions at their workplace on behalf of themselves and others. NNU comprises many state and local level unions (or associations).