



Glossary of Union Terms



Training and Development Department
International Brotherhood of Teamsters



GLOSSARY



Unions have developed a special vocabulary, better known as jargon, to describe much of what we do. Definitions are given here for the most commonly used terms:

Accretions: Employees added to the bargaining unit once a union is certified as a representative of the bargaining unit.

ADA: See Americans with Disabilities Act.

Administrative Law Judge (ALJ): A civil service appointee of the National Labor Relations Board who conducts unfair labor practice hearings in the region where such cases originate.

Advisory Arbitration: Form of arbitration often referred to as fact finding where the decision of the arbitrator is not binding.

Agency Shop: A contract provision under which employees who do not join the union are required to pay a collective bargaining service fee instead. This service fee is usually the same as monthly dues. In some states public workers choose to pay service fee based on a percentage of the Union's budget spent on representing the bargaining unit's time and money spent on organizing and political action, not considered to be directly representing members.

Alter Ego Employer: An employer who changes the name and outward appearance of a business but is in fact the same employer. An employer cannot rid himself of his obligation to recognize the legitimate bargaining representative through an alter ego.

ALJ: See Administrative Law Judge.

Americans with Disabilities Act: National law forbidding discrimination against employees on the basis of disability and requiring reasonable accommodations for qualified disabled employees. The ADA is enforced by the Equal Opportunities Employment Commission (EEOC) and by private lawsuit.

Annuity: A form of investment plan usually provided as a retirement plan that provides for income for a specified period of time, such as a number of years or for life.

Arbitration: A method of settling a labor-management dispute by having an impartial third party decide the issue. The decision of the third party (arbitrator) is usually binding.

Area Standards Picketing: A form of picketing with the purpose of encouraging an employer to observe the standards in that industry in that locality. This kind of picketing has formed legal restrictions than picketing to force an employer to recognize a union or to impress employees noneconomic benefits.

Areawide Bargaining: Collective bargaining agreement which covers all the unionized employers and their employees in a specific geographical and industrial setting.

Association Agreements: A collective bargaining agreement which governs a group of employers who ban together for mutual aid when bargaining with labor organizations. All employers belonging to the association are bound by the agreement that was negotiated by the association and the union.

Attrition: Reduction in the labor force of a company through natural causes such as voluntary quits, retirement, or death as opposed to layoffs.

Authorization Card: A union card filled out by pro-union workers during a representation campaign. The card usually specifies the union as a collective bargaining agent of the employees and must be dated and signed. The NLRB will accept 30% of the employees signatures on cards or petitions as the "showing of interest" required to conduct an election. Usually unions will not file for an election unless a majority of the bargaining unit members have signed authorization cards.

Award: The final decision of an arbitrator which is binding on both parties.

Back Loaded: Providing a greater wage increase near the end of a contract.

B.A.: See Business Agent.

Bargaining Agent: Union designated by a government agency, such as the National 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 Rights: The rights outlined in Section 7 of the National Labor Relations Act. Rights of workers to negotiate the terms and conditions of employment through chose representatives. The bargaining agent is designated by a majority of the workers in a bargaining unit to represent the group in collective bargaining.

Bargaining Unit: A group of workers who bargain collectively with the employer. The unit may include all the workers in a single location or in a number of locations, or it may include only the workers in a single craft or department. Final unit is determined by the NLRB, or agreed to jointly by the union and the employer.

Base Rate: The straight time rate of pay, excluding premiums and incentive bonuses.

Benefits Cafeteria Plan: A benefit program that offers a choice between taxable benefits, including cash, and non-taxable health and welfare benefits. The employee decides how his or her benefits dollars are to be used within the total limit of benefit costs agreed to by the employer.

Blocking: An NLRB decision not to proceed with an election in a bargaining unit where there are unresolved unfair labor practice charges.

Boycott: A concerted refusal to work for, purchase from, or handle the products of an employer. Where the action is directed against the employer directly involved in the labor dispute, it is termed a primary boycott. In a secondary boycott, the action is directed against a neutral employer in an attempt to get him/her to stop doing business with the company with which the union is having a dispute. Secondary boycotts are illegal under the Taft Hartley Act.

Business Agent (B.A., Union Representative): A full-time representative of a local union whose job is to represent members in the local.

Call-in Pay: Compensation to workers who report for work and, for a variety of reasons, the employer decides to send back home. Examples of call in pay include: "show up pay" when a worker is called into work by error for overtime work and is sent back home; or, wages paid when the worker is required to report and there is insufficient work for a full day.

Canvass: A method of talking individually to every member of a bargaining unit to either convey information, gather information on a survey, or plan for unified action.

Canvass Coordinator: A term sometimes used for the person at the "top" of a member-to-member action network. Other terms include "network coordinator" or "campaign coordinator". This person is responsible for establishing the one-on-one network and for planning and scheduling activities of the network.

Captive Audience Meeting: A union term for meetings of workers called by management and held on company time and property. Usually the purpose of these meetings is to try to persuade workers to vote against union representation.

Card Check: Procedure whereby signed authorization cards are checked against a list of employees in a prospective bargaining unit to determine if the union has majority status. The employer may recognize the union on the basis of this card check without the necessity of a formal election. Often conducted by an outside party, e.g., respected member of the community.

Cease and Desist Order: An order to stop an action, to not repeat the action, and to take action to undo the wrong. A cease and desist order issued by the NLRB is a final order in an unfair labor practice case. It requires the guilty party to stop any conduct found to be in violation of the law and to take positive action to remedy the situation.

Certification: Official designation by a labor board of a labor organization entitled to bargain an exclusive representative of employees in a certain unit.

Certification Bar: The NLRB and many public sector agencies will prohibit another election in a bargaining unit for one year after a union has been certified following an election.

Certified Union: A union designated by federal or state labor relations boards as the exclusive bargaining agent of a group of workers.

Change of Operations: A change of terminal cities, breaking points, routes, or equipment which affects Teamster trucking industry employment opportunities. The union's permission, through the grievance procedure, is often required for such changes.

Charge: Written statement of alleged unfair practices. Filing a charge with the NLRB State Labor Board is the first step in an unfair labor practice proceeding.

Charging Party: The party filing a grievance or an unfair labor practice charge.

Check-Off: A contract clause authorizing the company to deduct union dues from paychecks of those members who so authorize deductions. The company then transfers the money to the union.

Closed Shop: An agreement between an employer and a union that, as a condition of employment, all employees must belong to the union before being hired. The employer agrees to retain only those employees who belong to a union. The closed shop was declared illegal by the Taft-Hartley Act.

Collective Bargaining: A process which workers, through their bargaining committee, deal as a group to determine wages, hours and other conditions of employment. Normally, the result of collective bargaining is a written contract which covers all workers in the bargaining unit.

Common Law: The law of a country or state based on custom, usage, and/or the decisions and opinions of a court.

Common Situs Picketing: A form of picketing in which employees of a struck employer who work at a common site with employees of at least one neutral employer may picket only at their entrance to the worksite. The employees of neutral employers must enter the workplace through other gates. Picketing is restricted to the entrance of the struck employer so as not to encourage a secondary boycott on the part of the employees of a neutral employer.

Comparable Worth: The evaluation of jobs traditionally performed by one group of workers (such as women or minorities) to establish whether or not the worth of those jobs to the employer is comparable to the worth of the jobs traditionally performed by white men and the payment of extra wages to those occupying comparable jobs but receiving less income.

Company Union: An employee organization, usually in one company, that is dominated by management. The NLRA declared that such employer domination is an unfair labor practice.

Complaint: Formal papers issued by the NLRB to start an unfair labor practice hearing before an Administrative Law Judge. The complaint states the basis for the Board's jurisdiction and the alleged unfair labor practice.

Concerted Activity: The rights, protected by the National Labor Relations Act, of two or more employees to act in concert to form, join, or assist labor organizations in order to affect their wages, hours or work or working conditions.

Conciliation: (See Mediation)

Consent Decree: An order of a court or agency which is entered into by agreement of all parties. In 1989 the General Executive Board of the IBT signed a consent decree which provided for rank and file elections of International Teamsters officers. This consent decree also established an Independent Review Board with the power to investigate and penalize officials judged to be corrupt.

Consent Election: An election for union representation agreed to by management, employees, and the unions. The NLRB oversees the election.

Constructive Discharge: A form of discrimination that forces a worker to "quit."

Consumer Picketing: Picketing of a retail establishment that is legal if directed toward getting consumers not to buy a particular product of a supplier or of a producer with whom a labor dispute exists. Such picketing is illegal if it is aimed at getting customers to stop shopping at the store or at other parties, such as store employees or delivery to prevent personnel from crossing the picket line.

Continuing Violation: A violation of a law or contract which is continuing in nature, and which therefore is not barred by any time limitation, even though the violation began before the time limitation period began.

Contract Bar Doctrine: Once a contract is executed, the NLRB does not (usually) permit a representation election in the unit covered by the contract until the contract expires up to a 3 year limit. This rule applies to a petition by another union to represent the employees, a petition filed by the employees to decertify, or a petition filed by the employer.

Contracting Out: See Subcontracting.

Coordinated Bargaining: Joint or cooperative efforts by several unions in dealing with an employer that has employees represented by each of the several unions.

Corporate Campaign: The use of strategic pressure on an employer's weak areas to gain leverage during a contract campaign or organizing drive. These campaigns involve analyzing an employer's social, financial, and political networks and mobilizing union members and community members in a comprehensive approach which does not rely on the strike alone as the basis of the union's power.

Craft Union: A union whose membership is restricted to workers possessing a particular skill. Most craft unions today, however, have broadened their jurisdictions to include many occupations and skills not closely related to the originally designated craft.

Decertification: Withdrawal by a government agency, such as the National Labor Relations Board, of a union's official recognition as exclusive bargaining representative. The NLRB will withdraw certification if a majority of employees vote against union representative in a decertification election.

Deferral: A policy of the NLRB not to process unfair labor practice charges if the charge can be filed as a grievance and taken up through a grievance and arbitration procedure. The NLRB reviews the resulting grievance settlement or arbitration decision. If it is "clearly repugnant" to the NLRA, the NLRB issues a complaint.

DFR: See Duty of Fair Representation.

DOL: U.S. Department of Labor.

Double Breasted Operation: A condition where an employer operates two closely related companies--one with a union contract and one without. Under such operation, the employer will normally assign most of the work to the non-union segment of his two companies.

Dual Unionism: Union members' activities on behalf of, or membership in, a rival union.

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 collective 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. The union is obligated to give fair representation to all union members, and also to collective bargaining unit members who have not joined the union in "right-to-work" states or in public service units.

Economic Recourse: A strike, picket, or boycott by a union, or a lockout by an employer.

Economic Strike: A work stoppage by employees seeking economic benefits such as wages, hours, or other working conditions. This differs from a strike which is called solely to protect unfair labor practices.

EEOC: See Equal Opportunities Employment Commission.

Employee Retirement Income Security Act (ERISA): This law requires that persons engaged in the administration and management of private pensions act with the care, skill, prudence, and diligence that a prudent person familiar with such matters would use. The law also sets up an insurance program under the Pension Benefit Guarantee Corporation (PBGC) which guarantees some pension benefits even if a plan becomes bankrupt.

Employee Stock Ownership Plans: A form of compensation in which employees receive shares of stock in the company for which they work.

Equal Opportunities Employment Commission (EEOC): Federal Government agency which administers most discrimination lawsuits.

ERISA: (See Employee Retirement Income Security Act.

Escalator Clause: Union contract provision for the raising and lowering of wages according to changes in the cost of living index or a similar standard; most commonly referred to as a Cost of Living Adjustment (COLA).

Escape Clause: A provision in maintenance of membership union contracts giving union members an "escape period" during which they may resign from union membership. Members who do not exercise this option must remain members for the duration of the contract.

ESOP (See Employment Stock Ownership Plans.

Excelsior List: Established in the case of "Excelsior Underwear", the list of names and addresses of employees eligible to vote in a union election. It is normally provided by the employer to the union within ten days after the election date has been set or agreed upon at the NLRB.

Exclusive Bargaining Rights: The right of a union which has been certified by the NLRB or other government agency to be the only union representing a particular bargaining unit.

Executive Order 10988: Issued by President John F. Kennedy in 1962, the order recognizes the rights of federal employees to bargain with management.

Exempt Employee: An employee who is not covered by the Fair Labor Standards Act and is therefore not eligible for time-and-one-half monetary payments for overtime. Exempt employees are generally paid a salary rather than an hourly rate.

Expedited Arbitration: An effort to streamline the arbitration hearing by reducing both time and cost. Transcripts and post hearing briefs are usually eliminated. Often the arbitrator issues a decision upon the completion of the hearing or shortly thereafter.

Fact Finding: Investigation of labor-management disputes by a board, panel, or individual. A report is issued by the panel describing the issue in dispute, and may make recommendations for a solution.

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: Under a union security clause of a union contract, the amount a nonunion member must contribute to a union to support collective bargaining activities. This arrangement is justified on the grounds that the union is obliged to represent all employees faithfully.

Family and Medical Leave Act (FMLA): Federal law establishing a basic floor of 12 weeks of unpaid family and medical leave in any 12-month period to deal with birth or adoption of a child, to care for an immediate family member with a "serious health condition", or to receive care when the employee is unable to work because of his or her own "serious health condition".

Federal Mediation and Conciliation Service (FMCS): Independent agency created by the Taft-Hartley Act in 1947 to mediate labor disputes which substantially affect interstate commerce.

Federal Service Impasse Panel: In federal employment, it provides assistance in resolving negotiating impasses. The various techniques it employs are to serve as a substitute for the right to strike.

Field Examiner: An employee of the NLRB whose primary duties are to conduct certification elections and carry out preliminary investigations of unfair labor practices.

FLSA: See Fair Labor Standards Act.

FMCS: See Federal Mediation and Conciliation Service.

FMLA: See Family and Medical Leave Act.

Free Riders: Used in an open shop to refer to non-union members who receive all the benefits derived from collective bargaining without paying union dues or equivalent fees.

Front Loading: The concentration of wage and benefit increases in the beginning of a contract.

Garnishment: Deductions made by an employer from an employee's wages and rendered to a creditor of the employee.

General Strike: A strike by all or most organized workers in a community or nation.

Geographic Wage Differentials: Differences in wage rates based upon locations of plants or industries.

Good Faith Bargaining: Negotiations in which two parties meet and confer at reasonable times with open minds and the intention of reaching agreement over a new contract.

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 Procedure: A procedure usually established by a collective bargaining agreement to resolve disputes, problems or misunderstandings associated with the interpretation or application of the collective bargaining agreement. It consists of several steps with the last step of the procedure, usually being arbitration.

Group Grievance: A grievance signed by many people in a workplace in order to show management that members are united in their opposition to a management's action.

Hiring Hall: The process of the union dispatching workers to employers as needed. A hiring hall may be operated by a union alone or by an employer and union jointly. Hiring halls are monitored by the government to help prevent favoritism.

Homework: Work by workers who produce goods for an employer in their home, from materials furnished directly or indirectly by the employer.

Hot Cargo Clauses: Clauses in union contracts permitting employees to refuse to handle or work on goods shipped from a struck plant or to perform services benefitting an employer listed on a union unfair list. Most hot cargo clauses were made illegal by the Taft-Hartley Act, but there are some exceptions.

Housevisits, Homecalls, and Housecalls: Terms used to describe visits by union staff, volunteers, or organizing committee to the homes of workers they are attempting to organize. Such visits give organizers an opportunity to discuss the union and answer questions of unorganized workers in a relaxed and secure atmosphere.

Illegal Strike: A strike that is called in violation of the law, such as a strike that ignores "cooling off" restrictions, or a strike that disregards a "no strike" agreement signed by the Union or imposed by a court of law.

Impartial Umpire: Term often applied to a permanent arbitrator, named for the life of an union contract, and usually selected by mutual agreement. The term indicates his function of presiding over the union contract to enforce observance of it by both parties.

Impasse: In general usage, a term referring to a situation where two parties cannot agree on a solution to a dispute. In legal usage, if impasse is reached, the employer is legally permitted to unilaterally impose its latest offer.

Independent Review Board (IRB): The three-person board established as part of the 1989 consent decree signed by the International Brotherhood of Teamsters and the US Department of Justice as a settlement of the U.S. Government's RICO lawsuit. The IRB has the power to investigate and penalize officers it considers to be corrupt. The IRB has the power to investigate and penalize Teamster officials it considers to be corrupt.

Industrial Union: A union whose membership includes all workers in a particular industry, regardless of the particular skills the worker exercises.

Informational Picketing: Picketing done with the express intent not to cause a work stoppage, but to publicize either the existence of a labor dispute or information concerning the dispute. Picketing done with the express intent not to cause a work stoppage but to publicize either the existence of a labor dispute or information concerning the dispute.

Injunction: A court order which either imposes restraints upon action, or directs that a specific action be taken and which is, in either case, backed by the courts power to hold disobedient parties in contempt.

Interest Arbitration: Used no police.

Intermittent Leave: Leave taken in separate periods of time due to a single illness or injury. This is permitted under the FMLA.

Inside Strategy: The use of mass grievances, working to rule, rolling sick-outs, informational picketing, and other forms of resistance designed to pressure an employer to meet the union's demands without the union resorting to a strike.

Intervenor: A union which wants to be on the ballot when another union has already petitioned for an election.

IRB: See Independent Review Board.

Job Action: A concerted activity by employees designed to put pressure on the employer without resorting to a strike. Examples include: wearing T-shirts, buttons, or hats with union slogans, holding parking lot meetings, collective refusal of voluntary overtime, reporting to work in a group, petition signing, jamming phone lines, etc.

Joint Committee or Panel: A committee of equal numbers of union and management representatives established by a contract to hear grievances arising under the contract. If a committee is deadlocked on a grievance, the matter may be referred to a higher committee, to an arbitrator, or the employer and the union may be permitted economic recourse, depending on the wording of the contract.

Jurisdiction: The specific industry, craft and/or geographical area which a local union is chartered to organize or represent.

Jurisdictional Dispute: A conflict involving a dispute between two unions over which shall represent a group of employees in collective bargaining or as to which union's members shall perform a certain type of work.

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.

LEC: See Local Education Coordinator.

L-M Reports: The annual financial statement of income and expenses, including the salaries of union officers and staff. Unions are required by law to file with the Labor Management (LM) Division of the U.S. Department of Labor.

Landrum-Griffin Act of 1955: Also known as the Labor-Management Reporting and Disclosure Act (LMRDA), it provides safeguards for individual union members, requires periodic reports by unions, and regulates union trusteeships and elections.

Litigate: To carry on a legal contest by a judicial process. For example, the employer will often go to the courts (litigate) to appeal a decision by the NLRB.

LMRA: See Taft-Hartley Act.

LMRDA: See Landrum-Griffin Act.

Local Education Coordinator (LEC): In the Teamsters Union, a member designated by the local union and trained by the International Union to plan and implement educational programs for the members of the local.

Lockout: A suspension of work initiated by the employer as the result of a labor dispute. A lockout is the employer counterpart of a strike. Used primarily to pressure employees to accept the employer's terms in a new contract.

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.

Maintenance of Membership: Form of union security used in contract language under which the employee is not required to join a union but agrees to remain a member of the union for the duration of the contract if he/she is already a union member or does join the union during the life of the contract.

Management Rights or Prerogatives: The claimed rights of employers to control operational aspects of the workplace.

Mandatory Subject of Bargaining: Those items included under wages, hours, and other terms and conditions of employment over which an employer must bargain. An employer may not make a change in a mandatory bargaining subject without providing prior notice to the union and an opportunity to bargain.

Mass Picketing: Patrolling by large numbers of people in close formation, often preventing access to company premises.

Master Contract: A union contract covering several companies in one industry, for example, NMFA.

Mediation: (Conciliation) The efforts of a third party to help parties to reach agreement in a labor dispute. Mediators help clarify issues and suggest possible solutions. Under the RLA mediators have the authority to recommend to the NMB when the parties can be released from further bargaining union and the ___ strike and management implement terms of an agreement.

Member in Good Standing: A union member in good standing is one who has fulfilled requirements for the organization and who has not voluntarily withdrawn from membership, been expelled, or suspended.

Member-to-Member Network: A communications system designed to allow the leaders of a local union to communicate rapidly and personally with the members. A coordinator at the top of a pyramid communicates with approximately 10 leaders, each of whom communicates with approximately 10 members, each of whom may communicate with 10 other members, etc. See canvass.

Merit Increase: Increase in wages given to one employee by the employer to reward good performance. Unions often oppose merit increases because of a general lack of objective criteria for awarding increases, and thus allowing favoritism to enter into the decision to award the increase.

National Labor Relations Act of 1935 (NLRA): Federal law guaranteeing workers the right to participate in unions without management reprisals. It was modified in 1947 with the passage of the Taft-Hartley Act, and modified again in 1959 by the passage of the Landrum-Griffin Act.

National Labor Relations Board (NLRB): Agency created by the National Labor Relations Act, 1935, and continued through subsequent amendment, whose functions are to define the appropriate bargaining units, to hold elections, to determine whether a majority of workers want to be represented by a specific union or no union, to certify unions to represent employees, to interpret and apply the Act's provisions prohibiting certain employer and union unfair practices, and otherwise to administer the provisions of the Act.

National Mediation Board (NMB): Established under the Railway Labor Act, the NMB conducts representation elections, regulates major disputes, and appoints arbitrators and boards to decide minor disputes in the railway and airline industry.

NLRA: See National Labor Relations Act.

NLRB: See National Labor Relations Board

NMB: See National Mediation Board.

Nonmandatory Bargaining: See Voluntary Subject of Bargaining.

No Raiding Pact: An agreement between unions not to attempt to organize workers already under represented by another union.

Occupational Safety and Health Act: The Law which authorizes the OSHA agency to set standards, obligates employers to provide a safe workplace, and provides for enforcement of the standards. The law encourages the states to develop their own safety laws which displace the federal law.

One-On-One Network: See Member-to-Member Network.

Open Shop: Where employees do not have to belong to the union or pay dues to secure or retain employment in a company, even though there may be a collective bargaining agreement. The Union is obligated by law to represent members and non-members equally regardless of whether it is an open shop or a union shop.

Organizing Committee: The employees in a non-union shop who are designated to represent their co-workers during the representation campaign. Organizing committee members, among other things, usually sign up their coworkers on authorization cards or petitions, hand out leaflets, attend meetings and visit workers at home to gain support for the union effort.

Organizing Model of Unions: The concept that the primary function of a union's officers and staff is to organize members to exert collective power to solve problems. This is in contrast to the Service Model of Unions.

OSHA: See Occupational Safety and Health Act.

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.

Pattern Bargaining: Collective bargaining in which the union tries to apply identical terms, conditions, or demands to a number of employers in an industry although the employers act individually rather than as a group.

Pension Benefit Guarantee Corporation (PBGC): A Federal Corporation which guarantees that vested participants in private pension plans will receive some pension benefits even if a pension plan becomes bankrupt.

Permanent Replacements: Under current labor law, when employees engage in an economic strike, the employer has the right to hire permanent replacements. After the strike has ended, if there is no back to work agreement reached between the union and the employer, employees replaced during the strike are put on a preferential hiring list and must wait for openings to occur.

Permissive Subject of Bargaining: See Voluntary Subject of Bargaining.

Phone banking: The organized telephoning of large numbers of members to inform them of a union policy or action or to gather information. This is often done by volunteers who come into the union hall and telephone members during a certain time period.

Phone Tree: A network of volunteer members in which one member calls a list of members, each of whom calls another list of members, etc.

Piece Work: Pay by the number of units completed. The theory is that the faster you work, the more you will get paid. Many workers have learned that if they exceed a certain quota, the piece rate will be lowered.

Plant Rules: Management procedures to enforce discipline and maintain efficient production. A plant rule may be grieved because it is unreasonable, in conflict with the contract, unknown to workers, or not enforced equitably.

Premium Pay: An extra amount over straight time rates, sometimes a flat sum, sometimes a percentage of the wage rates, paid to workers to compensate them for inconvenient hours, overtime, hazardous, or unpleasant conditions, or other undesirable circumstances.

Prevailing Wage: Generally the wage prevailing in a locality for a certain type of work. It is a wage determinant for many federal construction projects. (Prevailing wage does not necessarily refer to union wages.)

Quality of Worklife Programs: See Team Concept Programs.

Raiding: A union's attempt to enroll workers belonging to or represented by another union.

Railway Labor Act of 1926 (RLA): This law regulates labor relations in the railway and airlines industries, guaranteeing workers in these industries the right to form a union and bargain collectively. The RLA severely controls the timing and right to strike. Also, bargaining units under the RLA are usually nation-wide, making it more difficult for workers to form a union.

Racketeering Influenced and Corrupt Organizations Act (RICO): Federal law allowing the federal government to place in trusteeship organizations which are convicted of being dominated by racketeers or organized crime. The U.S. Department of Justice filed suit against the IBT under the RICO Act, and this lawsuit was settled by the 1989 Consent Decree.

Rank and File: The members of a union.

Ratification: Formal approval of a newly negotiated agreement by vote of the union members affected.

Recognition: Employer acceptance of a union as the exclusive bargaining representative for all employees in the bargaining unit.

Recognition Picketing: Picketing to pressure or coerce an employer to recognize a union as a bargaining agent for the employees. Recognition picketing is subject to certain restrictions under the amendments to the NLRA.

Red Circle: A method of targeting certain job classifications for special treatment in wage negotiating, with both good and bad results possible.

Reopener Clause: Clause in a collective bargaining agreement providing for reopening negotiations on wage rates, etc., during the term of the agreement.

Replacement: Workers hired to replace employees on strike. In the case of economic strikers, the strikers retain their employee status while on strike; however, the company may hire permanent replacements, and may legally refuse to reinstate strikers who have been permanently replaced. In this situation, if there are permanent replacements, economic strikers are generally entitled to reinstatement when the replacements leave. In the case of unfair labor practice strikes, the strikers must be reinstated with few exceptions.

Representation Election: Election conducted to determine by a majority vote of workers whether they want a union.

RICO Act: See Racketeering Influenced and Corrupt Organizations Act.

"Right-to-Work" States: States which have passed laws prohibiting unions from negotiating union shop clauses in their contracts with employers covered by the NLRA. In 1997 there are 21 "right-to-work" states. Unions often refer to these as "right to work for less" states.

Runaway Shop: A plant transferred to another location, usually another city, in order to destroy union effectiveness and evade bargaining duties. The best block to a runaway shop is unambiguous contract language which prohibits any move of a plant.

Secondary Activities: Strikes, picketing, boycotts, or other activities directed by a union against an employer with whom it has no dispute, in order to pressure that employer to stop doing business with, or to bring pressure against another employer with whom the union does have a dispute.

Service Model of Unions: The concept that the primary function of a union, its staff, and its officers is to service the members or solve the members' problems for them. This is in contrast to the Organizing Model of Unions.

Showing of Interest: A requirement by the NLRB that must be met by a union when a union wishes to represent a group of employees. There are several showing of interest requirements used by the NLRB. A) A petitional union needs 30% of the eligible members in the union. B) Where a union has petitioned and another union wishes to intervene, the second union must have 30% of the unit it seeks. C) Where a union petitions and another union wishes to intervene in the same unit to the extent of blocking a consent election agreement, it must have 10%. D) Usually, a showing of one or two cards is enough for a second union to intervene only to have their name on the ballot or to participate in a hearing. E) A current or recently expired contract is also a criterion for showing of interest.

Sitdown Strike: A work action which is currently illegal in which strikers refuse to leave the employer's premises.

Sixty Day Notice: The notice that, under the Taft-Hartley Act, must be given by either party to a collective bargaining agreement when desiring to reopen or terminate it. No strike or lockout may begin during these 60 days.

Speed Up: Any system designed to increase worker productivity without a compensating increase in wages.

Split Shift: Any form of shift work where there are semi-regular work hours. In some cases, workers may work three different shifts in a work week. In all the various types of shifts, there is usually a break of several hour between the reporting times of the workers.

Stewards Council: An organization of the stewards within a local, stewards councils take some of the workload from the paid staff of the local and give the stewards an opportunity to compare their experiences and be more involved in the affairs of the union. Stewards councils are governed either by their own bylaws or by a clause in the local union's bylaws.

Strategic Campaigns: See Corporate Campaigns.

Strike Force: A group of volunteer members who have agreed to help picket or leaflet in support of an organizing drive, strike, or other campaign which the local has initiated.

Strike Sanction: In order for a Local Union to receive strike benefits from the International, the strike must be sanctioned by the General Executive Board.

Struck Work: A term to define a product which is produced by an employer during the period of a labor dispute with his employees. An employee who refuses to handle struck work is engaged in a sympathy work action. Workers who refuse to do the work of workers engaged in a strike may be replaced; however, they generally cannot be discharged. A struck work clauses in some collective bargaining agreements protect the rights of workers not to handle goods of a struck employer. There are limitations on such clauses in Section 8(e) of the NLRA.

Subcontracting: (Contracting Out) An employer's practice of having work performed by an outside contractor and not by regular employees in the unit.

Successor Employer: An employer which has acquired an already existing operation and which continues those operations in approximately the same manner as the previous employer, including the use of the previous employer's employees.

Supervisor: Those employees who have management rights such as the rights to hire, fire, or recommend such action. The employees who are defined as supervisors under the NLRA are not permitted to become members of the bargaining unit at the work location. In organizing campaigns, most employers will try to enlarge the ranks of their supervisory personnel. The employer will try to keep a certain group of supervisors as his anti-union workforce for future labor disputes.

Surface Bargaining: Often referred to as a perfunctory tactic whereby an employer meets with the union, but only goes through the motions of bargaining. Such conduct on the part of the employer is considered as violation of the employer's duty to bargain, Section 8(a)(5) of the NLRA.

Sweetheart Contract: Term of derision for an agreement negotiated by an employer and a union with terms favorable to the employer. The usual purpose being to keep another union out or to promote the individual welfare of the union officers rather than that of the employees represented.

Taft-Hartley Act or Labor Management Act (LMRA) of 1947: An amendment of the NLRA which added provisions allowing unions to be prosecuted, enjoined, and sued for a variety of activities, including mass picketing and secondary boycotts.

Team Concept Plans: Methods of reorganizing work in ways which blur the traditional lines of distinction between union work and management work. These plans are usually initiated by management, and may be referred to by a variety of names, including Quality Circles, Quality of Worklife, and Re-engineering. If a union does not respond with an aggressive program of member education and mobilization, these plans generally weaken a union's ability to mobilize its members effectively and thereby undermine the union's bargaining power.

Trustee: An elected union official whose duty is to monitor the finances of a local union, joint council, conference, or international union. Also, an official appointed by the Independent Review Board or General President of the International Union to manage a local union in trusteeship.

Trusteeship: The assumption of control over a local union by an international union, or by the federal government under the RICO Act. Provided for by the Constitutions of most international unions, trusteeships suspend the normal governmental process of a local union and take over management of the local's assets and the administration of its internal affairs. Article VI, Sec 5 of the Teamsters Constitution empowers the General President to appoint trustees to take charge of local unions or other subordinate bodies. The Landrum-Griffin Act of 1959 established controls over the establishment and administration of trusteeships.

Unfair Labor Practices: Those employer or union activities classified as "unfair" by federal or state labor relations acts. Under the NLRA, employer unfair labor practices include employer threats against protected collective activity, employer domination of unions, discrimination against employees for collective activity, and employer failure to bargain in good faith with union representatives. Union unfair labor practices include failure to represent all members of the bargaining unit and failure to bargain in good faith, secondary boycotts. The RLA and many state public sector labor laws contain definitions of unfair labor practices which are similar to the NLRA definitions.

Unilateral Change: Any change an employer makes without the union's consent. The subject of unilateral change is ever changing due to Board and Court Rulings. However, unilateral change falls into 3 categories; unilateral change before a first time contract, during bargaining, and during the contract's terms. The Board recognizes that an employer must bargain all changes in regards to hours of work, rate of pay, and other conditions of employment with the employee's bargaining representatives. Generally, these changes must be bargained to impasse before a change is implemented.

Union Buster: A professional consultant or consulting firm which provides tactics and strategies for employers trying to prevent unionization or decertify unions.

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.

Union Security Clause: A provision in a collective bargaining agreement designed to protect the institutional life of the union, such as union ship and union dues check-off clauses.

Union Shop: Form of union security provided in the collective bargaining agreement which requires employees to belong to or pay dues to the union as a condition of retaining employment. It is illegal to have a closed shop which requires workers to be union members before they are hired. The union shop is legal, except in so-called right-to-work states, because it requires workers to join the union or pay dues within a certain time period after they are hired.

Vesting: The amount of time that an employee must work to guarantee that his/her accrued pension benefits will not be forfeited even if employment is terminated.

Voluntary Subject of Bargaining: Subjects of bargaining other than those considered to be mandatory (see mandatory subject of bargaining). Either party may propose discussion of such a subject, and the other party may voluntarily bargain on it. Neither party may insist to the point of impasse on the inclusion of a voluntary subject in a contract. For example, the employer may not legally insist on bargaining over the method of selecting stewards or the method of taking a strike vote.

Volunteer Organizing Committee (VOC): Term sometimes used to describe union members who volunteer for the union during organizing campaigns. Volunteers may donate their time and/or be compensated for lost wages while they assist the campaign by visiting workers at their homes, distributing leaflets, and attending meetings, etc.

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 interviews which could lead to discipline.

White Paper Contract: Term used in the Teamsters Union to refer to collective bargaining agreements covering individual companies as opposed to national contracts such as National Master Freight Agreement and the UPS agreement.

Wildcat Strike: A strike undertaken without official union authorization. Although not necessarily illegal, they are not necessarily protected by the NLRB.

Work Action: See job action.

Work-to-Rule: A tactic in which workers agree to strictly follow all work rules, even those which are usually not followed. The result is that less work is performed or that the employer is forced to deal with more paperwork, putting pressure on the employer to settle workers' complaints. Some, but not all, work-to-rule campaigns are considered slowdowns, and may violate no-strike clauses in particular contracts or public sector laws.

Zipper Clause: A standard contract clause which precludes any renegotiation of conditions covered in the contract during the life of the contract. It is designed to prevent the employer from trying to change the contract before the next round of bargaining.



For Further Information:

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