

# Glossary of Union Terms

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## **Arbitration**

A method to settle disputes or unresolved bargaining issues using an impartial third-party arbitrator. They decide on potential violations of the collective bargaining agreement or unresolved contract matters. Their decision is typically binding.

## **Bargaining, Good Faith**

Negotiations between two parties held with the genuine intent to agree on a new contract, meeting and discussing at suitable times with open minds.

## **Bargaining Rights/Exclusive Representation**

When employees organize for collective bargaining, they select a union to represent them in negotiations, grievances, and labor matters. Once a union has exclusive representation status and bargaining rights, individual employees or other unions can't negotiate independently for that group. The chosen union is the only voice for those workers in talks with the employer.

## **Bargaining Team (Negotiations Team)**

A team of union leaders and members chosen to represent the union in collective bargaining matters.

## **Bargaining Unit**

A group of employees with shared interests recognized under a union. In states allowing collective bargaining, the unit includes both union members and non-members covered by the agreement.

## **CalPERS**

CalPERS is the California Public Employees' Retirement System. It provides a defined benefit retirement plan for California state, school, and public agency members.

## **CalSTRS**

California State Teachers' Retirement System (CalSTRS) is the largest educator-only pension fund in the world and provides retirement, disability, and survivor benefits for California's public school educators and their families.

## **CBF**

Council on Budget and Facilities, provides recommendations on the NOCCCD's fiscal policies, facilities, and strategic alignment. The council also serves as a platform for dialogue, coordinating administrative services, and reviewing various budget-related documents and plans.

## **Collective Bargaining**

A process where the bargaining unit, via their negotiations team, collaboratively decides on wages, hours, and employment conditions. The usual outcome is a Collective Bargaining Agreement (CBA) that applies to all workers in the unit.

## **Collective Bargaining Agreement (CBA)**

Also known as the contract, this is the resulting legal, binding agreement that codifies the language that was agreed upon in collective bargaining. It becomes effective after union members ratify the tentative agreement.

## **Continuing Violation**

An ongoing violation of a law or contract that due to its continuing nature isn't restricted by any time limitation, regardless of when the violation initially started.

## **DCC**

District Consultation Council, advises the NOCCCD Chancellor on policy, budget, planning, and other key district matters, while fostering communication among stakeholders and ensuring adherence to strategic directions, accreditation standards, and the Comprehensive Master Plan. It also identifies concerns needing further study and reviews annual progress reports.

## **DCCC**

District Curriculum Coordinating Committee, reviews curriculum prior to being submitted to the Chancellor, serve as NOCCCD's highest authority for interpreting Title 5 curricular requirements, serve as a resource to District Consultation Council on curricular issues.

## **DEMAC**

Districtwide Enrollment Management Advisory Committee, operates at a strategic level to focus on the effective and efficient execution of Districtwide enrollment management.

## **DTC**

District Technology Committee, serves in an advisory capacity to NOCCCD faculty, staff and administrators on matters pertaining to instructional, administrative and student services computing, telecommunications, and other technologies.

## **Duty of Fair Representation (DFR)**

In states with collective bargaining laws, the union must fairly represent all members, including those in the bargaining unit who aren't union members.

## **Educational Employment Relations Act (EERA)**

EERA, specific to California, was enacted in 1976, providing a framework for collective bargaining in public schools and community colleges, promoting peaceful labor relations.

## **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.

## **Fringe Benefits**

Benefits given to employees in addition to their wages, such as health insurance or pensions. Fringe benefits are not added to the salary schedule and do not count toward the CalSTRS retirement pension.

## **Grandfather Clause**

A contract clause ensuring that employees hired before a certain date maintain specific rights and benefits, even if newer employees don't receive these rights.

## **Grievance**

Generally, a violation of the collective bargaining agreement where a written complaint is filed with the employer by the grievant (employee or association).

## **Grievance Procedures**

Procedures 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, if needed, usually being arbitration.

## **Information Requests**

In California, community college unions can request various employer data related to bargaining, contracts, and grievances.

## **Impasse**

When collective bargaining reaches a deadlock, it often initiates a required dispute resolution or impasse procedure. Procedures commonly begin with mediation, involving a mediator to help resolve issues. If mediation fails, subsequent steps may include fact-finding (an external neutral party suggests solutions without obligation for acceptance), interest arbitration, or a strike.

## **Mediation**

A dispute resolution technique where a third party, or mediator, assists in clarifying issues and proposing solutions in a labor disagreement. Unlike arbitration, where an arbitrator determines the outcome, mediation seeks mutual agreement between the conflicting parties.

## **Memorandum of Understanding (MOU)**

Signed agreement that can be either a stand-alone agreement or a supplement to the existing collective bargaining agreement.

## **PAC**

Presidential Advisory Cabinet, serves as the central participatory governance council of each college at NOCCCD. PAC's purpose is to receive and review college policy recommendations from any and all college groups, to obtain constituent opinions, to advise the president regarding policy recommendations, to provide a venue for college-wide initiatives and to mediate communication within the college community.

## **Past Practice**

Past practice refers to unwritten customs related to the collective bargaining agreement. If the practice is longstanding, consistent, and mutually accepted, it can sometimes be upheld through the grievance process.

## **PBC**

Planning & Budget Committee, a college-wide committee at colleges within NOCCCD, with representation from all constituencies. This committee makes recommendations to PAC on a regular basis.

## **Public Employment Relations Board (PERB)**

Impartial government agency responsible for administering and enforcing the collective bargaining law. PERB oversees and administers bargaining impasse procedures, and decides on unfair labor practices and other proceedings under the bargaining law.

## **Ratification**

The formal procedure where union members vote on a newly negotiated preliminary agreement. The employer also needs to approve this agreement through its own process.

## **Reopener Negotiations**

Between successor agreements in their three-year cycle, two specific articles from the CBA can be renegotiated as reopeners each academic year, based on membership surveys. Salary and benefits don't count as these two articles since they are always automatically negotiated every academic year.

## **Successor Negotiations**

Negotiations during the on-cycle three-year intervals when the contract is up. Unlike reopeners, any and all articles can be opened for negotiations for a successor. These articles are decided upon through membership surveys. Salary and benefits are always automatically included as successors.

## **Sunshining**

"Sunshining" is the act of publicly disclosing bargaining proposals before negotiations to foster transparency and wider participation. Before a CBA's expiration, the Union submits negotiation items to the District, which are then "sunshined" and addressed in successor negotiations.

## **Tentative Agreement (TA)**

An agreement between the union and employer's bargaining teams. Both parties must approve the TA for it to take effect. Unaffected terms of the current collective bargaining agreement remain valid.

## **Unfair Labor Practice**

Violation of the collective bargaining statute. A bargaining law gives employees 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. Unfair labor practices are filed with PERB, which determines if rights were violated or if duties and obligations were not met.

## **Vesting**

The the required time employees must work to ensure their accumulated pension benefits remain intact, even if they leave the job.

## **Weingarten Rights**

Weingarten rights allow members to seek union representation during interviews if they feel it might lead to discipline. These rights also ensure union representatives can assist and counsel employees during such interviews.