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A

Agency Shop

A bargaining unit in a workplace in which all the workers whom the union is legally required to represent must either pay the union dues, an agency fee, or a representation fee. ORS 243 permits regular union due charges by labor organizations certified by the Employment Relations Board.

Agreement

A written agreement or contract that results from negotiations between an employer or a group of employers through their exclusive representative(s). It sets out the conditions of employment (wages, hours, fringe benefits, etc.) and procedures to settle disputes arising during the term of the CBA. Also known as a Collective Bargaining Agreement or Contract.

Appropriate Bargaining Unit

The unit designated by the Employment Relations Board or voluntarily recognized by the public employer to be appropriate for collective bargaining.

Arbitration

A method of settling a labor-management dispute by having an impartial third party hold a formal hearing, take testimony and render a final and binding decision.

Authorization Card

A statement signed by an employee designating a union to act as his or her representative in collective bargaining negotiations. Unions, to demonstrate employee support for the organization and to request an election for an appropriate bargaining unit, use authorization cards.

B

Bargaining Representative

Any lawful organization that has as one of its primary purposes as the representation of employees in their employment relations with employers. Also known as Exclusive Representative or Union.

Bargaining Unit

A group of employees that form a sufficient community of interest that a union can reasonably represent those employees, particularly when negotiating conditions of employment.

Board

Employee Relations Board (ERB).

C

Caucus

A meeting of a small group to plan strategy. Often applied to a bargaining team meeting to discuss proposals and determine bargaining strategy.

Certification

Official recognition by the board that a labor organization is the exclusive representative for all of the employees in the appropriate bargaining unit.

Collective Bargaining

A method of bilateral decision-making in which the employer and the exclusive representative of the employees determine wages, hours, and terms of conditions of employment for all workers in a bargaining unit through direct negotiations. Includes executing written contracts incorporating agreements that have been reached on behalf of the employer and the represented employees.

Collective Bargaining Agreement (CBA)

A written agreement or Contract that results from negotiations between an employer or a group of employers through their exclusive representative(s). It sets out the conditions of employment (wages, hours, fringe benefits, etc.) and procedures to settle disputes arising during the term of the CBA. Also known as Agreement or Contract.

Community of Interest

The grouping of employees according to similarities of work, supervision, or statutory interpretation for the purpose of creating bargaining units appropriate for collective bargaining.

Confidential Employees

Those employees who assist and act in a confidential capacity to a person who formulates, determines and effectuates management policies in the area of collective bargaining.

Counter-Proposal

An offer made by one party in collective bargaining negotiations in response to a proposal by the other party.

Compulsory Arbitration

The procedure whereby parties involved in a labor dispute are required by law to submit their differences to a third party for a final and binding decision.

D

Decertification

The withdrawal by the ERB of a union’s designation as exclusive representative, usually as a result of an election called for by employee petition.

Direct Dealing

Occurs when an employer and represented employee discuss and take action, without the union’s knowledge or presence, in matters that fall within the scope of mandatory subjects of bargaining.

Dues

Union dues are the basic fees that employees pay on a monthly basis to the union in order to obtain membership rights. The amount of dues is set by the union and can vary greatly from union to union. Dues are set by the individual unions.

Duty to Bargain

The legally enforceable obligation of each party in a collective bargaining relationship to meet at reasonable times and places, and negotiate in good faith with respect to wages, hours, and terms and conditions of employment.

E

Employment Relations

Is but is not limited to, matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment. Does not include subjects determined to be permissive, non-mandatory subjects of bargaining prior to June 6, 1995. After June 6, 1995, does not include subjects that the ERB determines to have a greater impact on management’s prerogative than on employee wages, hours, or other terms and conditions of employment. Does not include subjects that have an insubstantial or de minimis effect on public employee wages, hours, and other terms and conditions of employment.

Excludes staffing levels and safety issues (except those staffing levels and safety issues that have a direct and substantial effect on the on-the-job safety of public employees), scheduling of services provided to the public, determination of the minimum qualifications necessary for any position, criteria for evaluation or performance appraisal, assignment of duties, workload when the effect on duties is insubstantial, reasonable dress, grooming, and at-work personal conduct requirements respecting smoking, gum chewing, and similar matters of personal conduct at work, and any other subject proposed that is permissive under paragraphs (b), (c) and (d) of this subsection.

Employee Relations Board (ERB)

Resolves disputes concerning labor relations for employers and employees in public and private sector organizations under its jurisdiction. The Board administers the collective bargaining law that covers public employees of the State of Oregon and its cities, counties, school districts, and other local governments; hears and decides appeals from state employees concerning personnel actions; and administers the collective bargaining law that regulates private employers who are not covered by the National Labor Relations Act.

Exclusive Representative

The labor organization that, as a result of certification by the board or recognition by the employer, has the right to be the collective bargaining agent of all employees in an appropriate bargaining unit.

F

Fact-Finding

Identification of the major issues in a particular labor dispute by one or more impartial individuals who review the positions of the parties, resolve factual differences and make recommendations for settlement of the dispute.

Fair-Share Agreement

An agreement between the public employer and the recognized or certified bargaining representative of public employees whereby employees who are not members of the employee organization are required to make an in-lieu-of-dues payment to an employee organization except as provided in ORS 243.666.

Final Offer

The proposed contract language and cost summary submitted to the mediator within seven days of the declaration of impasse.

G

Good Faith Bargaining

A legal obligation to participate actively in the deliberations so as to indicate a present intention to find a basis for agreement. This implies both an open mind and a sincere desire to reach an agreement as well as a sincere effort to reach a common ground.

Grievance

A formal complaint or allegation by an employee or group of employees (through the union) that part of the collective bargaining agreement has been violated.

H

I

Impasse

A situation in collective bargaining that occurs when the employer and the union, both bargaining in good faith, fail to reach agreement. Impasses are often resolved by the intervention of a neutral party such as a mediator, fact finder, or arbitrator.

J

K

L

Labor Dispute

Any controversy concerning employment relations or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment relations, regardless of whether the disputants stand in the proximate relation of employer and employee.

Labor Organization

Any organization that has as one of its purposes representing employees in their employment relations with public employers.

Last Best Offer Package

The offer exchanged by parties not less than 14 days prior to the date scheduled for an interest arbitration hearing.

Legislative Body

The Legislative Assembly, the city council, the county commission and any other board or commission empowered to levy taxes.

Letter of Agreement (LOA)

A formal, signed agreement that serves as an addendum to the collective bargaining agreement. An LOA usually addresses a significant issue that emerged during the term of the agreement, and it represents the mutual understanding between the parties on that issue.

M

Mandatory Subject of Bargaining

Bargaining issues that neither party may refuse to negotiate. They include wages, hours, and other terms and conditions of employment.

Mediation

A process in which a neutral third party assists parties in a bargaining dispute to come to a voluntary agreement. The mediator may suggest to the parties' various proposals and methods for resolution of disputes, but he/she has no formal power to force a settlement.

Managerial Employee

An employee of the State of Oregon or a public university listed in ORS 352.002 who possesses authority to formulate and carry out management decisions or who represents management's interest by taking or effectively recommending discretionary actions that control or implement employer policy, and who has discretion in the performance of these management responsibilities beyond the routine discharge of duties.

N

National Labor Relations Act (NLRA)

Enacted by Congress in 1935 to protect the rights of employees and employers, to encourage collective bargaining, and to curtail certain private sector labor and management practices, which can harm the general welfare of workers, businesses and the U.S. economy.

O

P

Parties to the Agreement

Public employer and the exclusive representative of the employees in the bargaining unit.

PECBA (Public Employee Collective Bargaining Act)

Oregon Revised Statutes (ORS 243.650-243.782). Established a collective bargaining process for Oregon's public employers and unions representing public employees. States that Public employees have the right to form, join, and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with their public employer on matters concerning employment relations.

Permissive Subject of Bargaining

Issues that are neither mandatory nor prohibited. Parties may agree to negotiate them, but neither party may insist upon its positions on a permissive topic to the point of impasse.

Payment-In-Lieu-Of-Dues

An assessment to defray the dues cost for services by the exclusive representative in negotiations and contract administration of all persons in an appropriate bargaining unit who are not members of the organization serving as exclusive representative of the employees. Payment must be equivalent to regular union dues and assessments, if any, or must be an amount agreed upon by the public employer and the exclusive representative of the employees.

Prohibited Strike

Participation in a strike by any public employee who is not included in the striking bargaining unit; participation in a strike by any public employee that is included in a bargaining unit that provides for resolution of a labor dispute by petition to final and binding arbitration; or when the strike is not made lawful under Oregon Law.

Public Employee

An employee of a public employer but does not include elected officials, persons appointed to serve on boards or commissions, incarcerated persons working under section 41, Article I of the Oregon Constitution, or persons who are confidential employees, supervisory employees or managerial employees.

Public Employer

The State of Oregon, and the following political subdivisions: Cities, counties, community colleges, school districts, special districts, mass transit districts, metropolitan service districts, public service corporations or municipal corporations and public and quasi-public corporations.

Public Employer Representative

Any individual or individuals specifically designated by the public employer to act in its interests in all matters dealing with employee representation, collective bargaining and related issues.

Q

R

Ratification

Formal approval of a newly-negotiated Tentative Agreement by a vote of an employer's governing body or by bargaining unit employees. Eligible voters in a union ratification are determined by the union's bylaws and constitution.

Refusal to Bargain

Where one party to a collective bargaining relationship has charged that the other party has not bargained in good faith according to the requirements of the appropriate statute.

Representation Election

A secret-ballot election to determine whether the employees in an appropriate bargaining unit will or will not have a union as an exclusive representative.

S

Showing of Interest

The support among employees in a proposed or existing bargaining unit that a union or employee petitioner must demonstrate to file a representation petition.

Steward

An employee in a bargaining unit who has been designated by the union to act, on its behalf when meeting with management, or when representing bargaining unit employees. They may assist employees in filing grievances, and in conveying their concerns to the union and/or the employer. Also known as Shop Steward, Union Organizer, or Staff Representative.

Strike

A public employee's refusal in concerted action with others to report for duty, or their willful absence from their position, or stoppage of their work, or absence in whole or in part from the performance of duties of employment, with the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of public employment.

Supervisory Employee

Any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection therewith, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

T

Tentative Agreement (TA)

The agreement reached through bargaining prior to finalization and its ratification or final approval by the negotiators' constituencies.

U

Unfair Labor Practice (ULP)

An act designated an unfair labor practice in the law. These illegal practices are specifically defined in ORS 243.672.

Union Security Provision

The part of the collective bargaining agreement that addresses union membership, which directly affects union dues and fees.

Unit Clarification

The statutory process whereby one party to a collective bargaining relationship challenges either the inclusion or the exclusion of certain classifications of employees in the membership of a bargaining unit. Normally because the classifications are supervisors (in a rank-and-file bargaining unit), they are confidential employees, or the classification has a community of interest with an existing or different bargaining unit.

V

Voluntary Arbitration

The procedure whereby parties involved in a labor dispute mutually agree to submit their differences to a third party for a final and binding decision.

W

Weingarten Rights

Rights to representation developed because of the United States Supreme Court decision in *National Labor Relations Board v. J. Weingarten, Inc.* An employee is entitled to have a representative present at a meeting with management if the employee reasonably believes that corrective action may be taken as a result of the meeting. This right does not extend to counseling sessions. The right to representation only arises when the employee requests representation.

X

Y

Z