

Common Union Terms UAW Local 2322

Arbitration

The method specified in the Goddard faculty contract to settle grievance disputes in which a third party arbitrator is given the power to make a binding decision.

Bargaining Agent

A union is the exclusive representative of all workers, both union and non-union, in a bargaining unit. An employer may voluntarily recognize a particular union as a bargaining agent for his workers, or the question of representation may be settled by a secret election, conducted by the appropriate labor relations board.

Bargaining in good faith

The requirement that two parties meet and confer at reasonable times with minds open to persuasion with a view to reaching agreement on new contract terms. Good faith bargaining does not imply that either party is required to reach agreement on any proposal.

Collective Bargaining

When employees and employers negotiate wages, hours and working conditions through a **bargaining agent**, they are collectively bargaining. Unlike promises, the outcome of collective bargaining is *legally binding*. Unionized employees are generally the only workers able to collectively bargain—it is a right they fought hard for and won in the 1930s.

At Goddard, collective bargaining is carried out by the bargaining committee, elected by the membership. The bargaining committee is responsible for assessing the memberships' needs and concerns prior to contract negotiations and for voicing the concerns in the form of proposals at the negotiations table.

Direct dealing

An attempt by the employer to bypass the union and negotiate terms and conditions of employment directly with an employee. This is a violation of the NLRA.

Just Cause

A standard or test often applied to determine the appropriateness of disciplinary action. The factors that may be considered in determining just cause include but are not limited to the seven tests of just cause (see handout).

Local 2322/Amalgamated local union

The Goddard Faculty Union is a unit of UAW Local 2322. UAW Local 2322 is an “amalgamated” Local, which means that it includes workers from a variety of different workplaces. Our Local, for instance, includes workers at 15 other workplaces, from the graduate employees at UMass Amherst to workers in early childhood education and health and human services. The full list of our units is available at www.uaw2322.org

Mandatory subject of bargaining

A subject pertaining to wages, hours, terms, or conditions of employment that, if the union requests, must be bargained prior to being adopted or changed.

National Labor Relations Board (NLRB)

Federal agency that is authorized to enforce the NLRA for private sector employees. Goddard faculty are private sector employees.

National Labor Relations Act (NLRA)

Federal law passed in 1935 giving employees the right to join unions, bargain collectively, and strike. See the text at

<http://union-organizing.com/nlra.html#sec8>

Past Practice

A customary way of doing things in the workplace not written into the collective bargaining agreement. In some cases, a past practice can be as binding on the employer as written contract language is if the following conditions are met: 1) both parties were aware of the practice, 2) the contract is not clear in this area, and 3) the practice has a substantial history.

Permissive subject of bargaining

A subject about which the employer can legally refuse to bargain; for example, the selection of management personnel.

Shop Steward: A union official who represents a specific group of members and the union in union duties, grievance matters, and in complaints about employment conditions. Stewards are usually part of the work force they represent. Faculty representatives are the equivalent of stewards in the Goddard Faculty Union.

Strike

A cessation of work or a refusal to work or to continue work by employees in combination or in accordance with a common understanding for the purpose of compelling an employer to agree to terms or conditions of employment. Strikes usually occur as a last resort when collective bargaining and all other means have failed to obtain the employees' demands. Except in special cases, strikes are legal only when a collective agreement is not in force. A Rotation or Hit and Run strike is a strike organized in such a way that only part of the employees stop work at any given time, each group taking its turn. A Sympathy Strike is a strike by workers not directly involved in a labor dispute and attempts to show labor solidarity and bring pressure on an employer in a labor dispute. A Wildcat Strike is a strike that violates the collective agreement and is not authorized by the union. The Goddard Faculty Union contract has a no strike/no lockout provision, preventing a union strike or employer lockout during the term of the contract, but not when a contract is not in force. Strike activity is not necessarily always a protected activity under the NLRA.

UAW

The Goddard Faculty Union is a unit of the United Auto Workers, a large and powerful international union. As its name implies, the UAW originally represented employees in the automobile industry only. Founded during the upheavals of the 1930s, it aligned itself with

the highly progressive CIO, which was famous for organizing across racial lines and trade boundaries. Today, the UAW continues this tradition, referring to itself as the “Union for All Workers.” As the manufacturing sector of the American economy has declined and the service sector has expanded, the UAW’s membership base has broadened to include workers in the public service sectors. Academic workers are part of this new face of the union, as the UAW has taken the lead in organizing adjunct faculty at New York University, faculty at the New School, and graduate employees throughout the University of California system, the University of Washington, New York University, Tufts, Brown, and UMass Boston, Lowell and Amherst.

Unfair labor practice

A violation of the **National Labor Relations Act (NLRA)** by an employer or a union. When the union believes the employer has violated the NLRA, we file charges against the employer and the **NLRB** investigates.