

## NEGOTIATION GLOSSARY

**Association** – A term used by affiliates of the National Education Association; synonymous with union.

**Bargaining Agent** – A union that is named as the exclusive representative for all of the people covered or who will be covered by the master agreement. The bargaining agent may be agreed to voluntarily by an employer, such as a school board, or may be determined by an election.

**Bargaining Campaign (aka Contract Campaign)** -- The organizing activities that involve union members and community supporters in efforts to reach a favorable result in bargaining.

**Bargaining Council** – Within OEA, a bargaining council is a group of unions that have banded together to become the bargaining agent for the locals within the council. The Council is the “official” union and is named on the contract, however the member locals carry out most or all of the duties of enforcing a contract once it has been finalized.

**Bargaining Team** – The union negotiators who will actually be at the bargaining table and actively involved in the negotiation toward a contract.

**Bargaining Unit** – The group of employees that is represented by a single union for purposes of collective bargaining. The bargaining unit covered by a collective bargaining agreement is described in the recognition clause of the agreement.

**Collective Bargaining** – The process by which a union (the bargaining agent) and an employer negotiate a contract that will govern the conditions of employment for a specific group of employees.

**Collective Bargaining Agreement (CBA)** - A written contract, arrived at through the process of negotiation, which sets forth the terms and conditions of employment for employees in a bargaining unit.

**Contract** – Synonymous with Collective Bargaining Agreement.

**Cost Summary** – An explanation of the cost of a party’s bargaining proposal for each issue that is unresolved at the time of impasse.

**Employment Relations Board (ERB)** – A state agency that has the responsibility for enforcing the state collective bargaining law (PECBA). The ERB also refers to the three-person board that has the responsibility to administer the agency and to make decisions in contested cases.

**Grievance** – A claim made by an employee, a group of employees, or a local union against an employer which alleges a violation, misinterpretation or misapplication of any provision of the collective bargaining agreement (CBA). The CBA may narrow or broaden this definition.

**Final Offer** – A post-mediation package of proposed contract language which represents the terms on which a party would settle the contract. The final offer includes the party’s final proposal on all unresolved issues as well as tentative agreements reached during the negotiation package.

**Impasse** – A point reached during the mediation process where one or both parties or the mediator decides that continued mediation would not be helpful to reaching agreement. A declaration of impasse triggers the timeline for submitting “final offers” seven days later.

**Interest Arbitration** – The use of arbitration as the final step of negotiations for a new contract. Oregon law mandates that public safety employees who are prohibited from striking will use interest arbitration if negotiations do not result in agreement.

**Interest-Based Bargaining (IBB)** – A form of collective bargaining in which the parties concentrate on defining and addressing their “interests” rather than making proposals in which they assert a position on an issue. The parties then work collaboratively to reach consensus on solutions that meet the interests of both parties.

**Mediation** – A stage of the bargaining process that the parties reach if table bargaining does not result in a full agreement. During mediation, an impartial third party (usually an employee of the ERB) assists the parties in attempting to reaching agreement. The mediator has no power to force the parties into any kind of agreement.

**Memorandum of Agreement (MOA)** – A limited contract between an employer and union which changes the terms of an existing CBA.

**Memorandum of Understanding (MOU)** – A limited contract between an employer and union which supplements an existing CBA. The terms “MOA” and “MOU” are often used interchangeably.

**Negotiation** – The process by which representatives of management and of a union bargain to set wages, hours, and terms and conditions of employment.

**Proposal bargaining** -- A form of collective bargaining in which the parties exchange proposals that represent one party’s position on what language should be included in the final contract. Proposal bargaining is a traditional form of bargaining that is distinguishable from Interest-Based Bargaining (see above).

**Public Employee Collective Bargaining Act (PECBA)** – Oregon’s public employee collective bargaining law, ORS 243.650-.782.

**Ratification** – A process by which members of a bargaining unit or governing body decide whether to accept a contract that was negotiated by their bargaining teams. For OEA locals, ratification is a prerequisite for finalizing a new contract.

**Reopener** – A contract term within a multi-year contract which provides and allows for mid-term negotiation over specifically stated items or provisions.

**Retroactivity** – The application of new contract terms to work that was completed prior to the completion of negotiations. Retroactivity may apply to a specific provision, such as salary, or to the entire contract.

**Salary Schedule** – A chart, usually found as an appendix in a contract, that sets forth wage levels through which employees will move during the course of their employment. Teacher salary

schedules traditionally provide for “step” movement based on years of experience, and “column” or “lane” movement based on educational attainment.

**Scope of bargaining** – The categorization of subjects according to whether a party can be required to bargain over a proposal addressing that subject. A subject may be mandatory, permissive or prohibited for bargaining. In Oregon, determinations as to which subjects are mandatory or permissive are made by the ERB by applying the PECBA definition of “employment relations,” ORS 243.650(7).

**Strike** – A work stoppage or withholding of services for the purpose of gaining concessions from the employer.

**Tentative Agreement (TA)** – An agreement by the parties on a single provision or article of a new contract prior to agreement on a full contract OR agreement by the parties on a full contract that is subject to ratification before it can be finalized.

**Unfair Labor Practice (ULP)** – Conduct by a public employer, its designated representative, a union, or a public employee that violates certain provisions of the PECBA. *See* ORS 243.672.

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