

# Definition of Key Terms

## Quick Guide

### **Accretion**

Where the Union is arguing that a group of employees share a “community of interest” with another group of employees the Union already represents.

### **Arbitration**

A formal hearing process, similar to a trial, where a third party (the arbitrator) decides who should prevail in a dispute. Arbitration is typically the last step in the grievance process.

### **Bargaining Agent**

The formally designated organization or union that represents employees in collective bargaining.

### **Benefits**

A form of compensation paid by employers to employees over and above regular salary or wages. Employee benefits come in many forms (i.e., ProfitSharing, Healthcare, Paid Vacation) and are an important part of the overall compensation package offered to employees.

### **Collective Bargaining**

A give and take process of negotiation between a union and an employer aimed at reaching an agreement to regulate rates of pay, rules, and working conditions.

### **Community of Interest**

Defined by the actual duties and responsibilities of the employees, the environment in which the employees work, and the interaction among the employees involved. The Community of Interest criteria is used by the NMB to decide whether a group of employees (new or existing) who are seeking union representation make up an appropriate bargaining unit.

### **Comprehensive Proposal**

A proposal that outlines all of one party’s proposed changes to a contract.

### **Concessionary Contract**

A contract in which the total value of the new contract is less than the total value of the previous contract.

### **Craft or Class**

RLA grouping of employees by common job function; e.g., flight attendant, mechanic, pilot, dispatcher, etc.

### **Exclusive Representative**

The employee organization or union that has won the sole right to represent and negotiate an agreement for all employees in the specified group.

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### **Good Faith Bargaining**

The RLA requires a carrier and its employees (acting through their Union) “to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules and working conditions.” Sometimes, this duty is referred to as “good faith bargaining,” a term used under the National Labor Relations Act. However, the Supreme Court has cautioned that parallels between the two statutes should be drawn with the utmost care and with full awareness of the differences in the statutory schemes. In this regard, the Supreme Court has noted that a party does not violate its RLA duty “to exert every reasonable effort” unless its overall behavior rises to a level that manifests a desire not to reach an agreement.

### **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.

### **Impasse Resolution Procedures**

Procedures enabling the parties to break a stalemate in bargaining. Common types include mediation, fact finding, and arbitration.

### **Informational Picketing**

An effort to publicize either the existence of a labor dispute or information concerning the dispute by carrying signs and/or distributing informational leaflets.

### **Interest-Based Bargaining**

A strategy in which both sides start with declarations of their interests (instead of putting forward proposals) and work together to satisfy common interests and balance opposing interests.

### **Labor Union**

An organization meant to represent the interests and negotiate certain benefits on behalf of a specific group of workers.

### **Mediation**

A process utilizing a third party to attempt to resolve differences between an employer and a union. The mediator may recommend proposals and methods to resolve disputes, but he/she has no formal power to impose a settlement.

### **National Labor Relations Act (NLRA)**

A federal law enacted 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. Originally enacted in 1935, the Act 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. Carriers and employees covered by the RLA are excluded from coverage under the NLRA.

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### **National Labor Relations Board (NLRB)**

Agency created by the 1935 National Labor Relations Act to define the appropriate bargaining units, hold elections, determine whether a majority of workers want to be represented by a specific union or no union, to certify unions to represent employees, interpret and enforce the Act's provisions prohibiting certain employer and union unfair practices, and otherwise administer the provisions of the Act.

### **National Mediation Board (NMB)**

An independent agency established to conduct representation elections, mediate major disputes, and maintain rosters of arbitrators and boards selected by the parties to decide minor disputes in the railway and airline industries.

### **Railway Labor Act of 1926 (RLA)**

A federal law that guarantees workers in railroad and airline industries the right to form a union and bargain collectively. The RLA severely controls the timing and right to strike and strongly encourages bargaining, arbitration, and mediation to resolve labor disputes.

### **Ratification**

A membership's majority approval of a tentative agreement reached by a company and union leadership.

### **Recognition**

Employer acceptance of a specified union as the exclusive representative of a group of employees. Recognition compels employers to negotiate with the union. Under certain conditions, employers may be required to recognize an organization without an election.

### **Scope**

A section in a contract that defines what work is covered by the agreement.

### **Section 6 Negotiations**

"Section 6" refers to section 6 of the Railway Labor Act (RLA) which sets forth the notice to be given if either party desires to change the provisions of a collective bargaining agreement. "Section 6 negotiations" refers to the collective bargaining negotiations that occur following such notice.

### **Self Help**

Action a carrier or a union may take after a decision by the National Mediation Board to release the parties from mediation. Following such a release, the parties may take action themselves; e.g., strikes by unions, lockout by companies. To avoid interruption of interstate travel, such a release is rarely provided in the airline industry.

### **System Board**

The formal tribunal frequently used by the RLA to hear and determine unresolved grievances for employees covered by a collective bargaining agreement. The board is made up of an equal number of union and company representatives and on occasion may also include a neutral outside arbitrator.

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### **Tentative Agreement**

During the course of negotiations, parties will often use the term “TA” to refer to portions of a contract tentatively agreed upon. Similarly, “TA” is used to refer to a comprehensive tentative agreement prior to Union membership ratification.

### **Work Rules**

Procedures and rules established through negotiations between a union and management governing such issues as job roles and duties, disciplinary processes, and work conditions.