

Glossary of Collective Bargaining Terms

1. **Bargaining Team or Bargaining committee:** The group of individuals selected by each party (union and management) to negotiate the collective bargaining agreement (CBA)
2. **Bargaining Unit:** A group of employees with a clear and identifiable community of interest who are represented by a union in collective bargaining.
3. **Collective Bargaining Agreement (CBA):** A written legal contract between an employer and a union representing the employees, outlining the terms and conditions of employment.
4. **Captive Audience Meeting:** A meeting the employer expresses its views to employees about unionization. The meeting is mandatory and thus employees "are captive" in their attendance. Recent NLRB rulings have declared such meetings are illegal. As of this writing, it continues to be in flux. <https://www.nolo.com/legal-encyclopedia/workplace-captive-audience-laws-what-you-need-to-know.html>
5. **Concessions:** Items given up or modified during bargaining, often due to economic necessity or to achieve other goals.
6. **Decertification:** A legal process through which employees can remove a union as their collective bargaining representative.
7. **Duty to Bargain in Good Faith:** The legal obligation of both parties (union and management) to participate actively in negotiations.
8. **Duty to Provide Information:** The employer's legal duty to provide the union with relevant and timely information relevant to the negotiation or administration of the collective bargaining agreement. See the LexisNexis guide at <https://prfirmppwwwcdn0001.azureedge.net/azstgacctpwwwct0001/uploads/ad69446ed3e2877d7f4be413cddc7456.pdf>
9. **Grievance:** A formal complaint alleging a violation of the CBA, typically initiated by an employee or the union. What constitutes a grievance is defined by the CBA.
10. **Impasse:** A legal definition and determinations that both parties cannot reach agreement and continued efforts are fruitless.
11. **Interest-Based Bargaining (IBB):** A collaborative approach to negotiations that focuses on mutual interests rather than fixed positions.
12. **Last Best and Final Offer (LBFO):** The final offer made by one party in negotiations. When a company issues an LBFO they are at their economic maximum and will not go over that limit.
13. **Management Rights Clause:** A section of the CBA that outlines the employer's retained rights to manage and operate the business, except where those rights are limited by the agreement.
14. **Mediation:** A voluntary process where a neutral third party helps parties reach a mutually agreeable solution.

15. **Memorandum of Understanding (MOU):** A document that outlines terms agreed upon during negotiations, often used for side agreements or interim matters. Also referred to as a Memorandum of Agreement (MOA).
16. **No-Strike Clause:** A provision in the CBA where the union agrees not to strike during the life of the contract.
17. **Past-Practice:** A pattern of conduct or unwritten agreement that, through consistent repetition, becomes an implied term of the CBA. See Mittenthal's seminal work on past practice at <https://naarb.org/proceedings/pdfs/1961-30.pdf>
18. **Ratification:** The formal approval of a negotiated agreement by union members.
19. **Seniority:** The length of time an employee has worked for the employer, which often affects layoff order, promotions, transfers, and other job-related decisions. The way in which seniority is calculated may be addressed in the CBA.
20. **Strike:** A work stoppage by employees to protest terms or conditions of employment or the lack of a labor agreement.
21. **Successor Clause:** A provision in a CBA requiring that a new owner or operator of the business honor the existing agreement.
22. **Tentative Agreement (TA):** A proposal or contract provision that has been agreed upon at the bargaining table but not yet ratified by the union membership.
23. **Unfair Labor Practice (ULP):** Actions by an employer or union that violate the National Labor Relations Act (NLRA).