



GLOSSARY OF TERMS COMMONLY USED IN LABOR RELATIONS

Advisory Arbitration—*See Arbitration.*

Agency Shop—Agreement which requires that all employees in the bargaining unit who do not join the employee organization pay a representation fee in lieu of union dues to help defray the organization's expenses as exclusive representative. In New Jersey, in accordance with the Employer-Employee Relations Act, the availability of an agency shop arrangement is a negotiable topic. The New Jersey Law establishes several conditions for this agreement, including specific directions relegating the representation fee. Under the Law, those fees cannot exceed 85% of the regular membership dues. These fees must be based upon the union's expenditures, for bargaining and relevant lobbying activities, in the previous year. The right to determine the fee rests with the union; the employer has no role in establishing the fee. However, before an employer may deduct a representation fee from an employee's paycheck, a union must establish a demand and return system. *See Demand and Return System.*

Under a 2002 amendment to the PERC Law, unions in New Jersey that fail to obtain the employer's agreement to an agency shop provision may petition the Public Employment Relations Commission to order the employer to institute a representation fee deduction. (For further information, see the article "An Analysis of an Agency Shop Provision" elsewhere in *The Negotiations Advisor*.)

Agreement—*See Collective Bargaining Agreement.*

Agent, Negotiations—Any organization, agency, or person authorized or designated by a public employer or public employee unions to act on its behalf and represent it or them in the collective negotiations process. If the agent is cloaked with "apparent authority" any illegal actions the agent commits, such as unfair labor practices or conduct subject to court litigation, implicate the employer or union the agent represents, even if the illegal act was not authorized or approved.

American Arbitration Association (AAA)—A private non-profit organization established to promote arbitration as a method of settling commercial and labor disputes. The AAA provides lists of qualified arbitrators to employee organizations and employers on request as well as legal and technical assistance to arbitrators.

Anti-Union Animus—Employment decision that is taken without a legitimate business motive which discriminates against an employee because of union activity; an unfair labor practice under the New Jersey Employer-Employee Relations Act.

Appropriate Unit—*See Bargaining Unit.*

Arbitration—A dispute resolution procedure in which an impartial third party renders a decision on an issue submitted by the parties.

Grievance Arbitration (Rights Arbitration)—A contractually agreed-upon procedure for the settlement of grievances, usually involving interpretation and application of the collective bargaining agreement or past practices, by a neutral third party.

Advisory Arbitration—The terms of settlement rendered by the arbitrator are in the nature of recommendations, which the parties are not obligated to accept.

Binding Arbitration—The parties are compelled to accept and abide by the terms of the arbitrator's award, which is enforceable in the courts. Mandated by *N.J.S.A. 34:13A-29* for school employees' grievances over reprimands and discipline as defined by *N.J.S.A. 34:13A-22 et seq.*

Interest Arbitration—Distinguished from grievance arbitration. A procedure, provided by *N.J.S.A. 34:13A-16* for the resolution of bargaining deadlocks involving police and fire fighters. A neutral third party is chosen by the parties or appointed by an administrative agency as in other forms of arbitration.

Authorization Card—Statement signed by an employee designating an employee organization to act as his representative in collective bargaining. An employee's

The terms in this glossary have been defined, by the Labor Relations Department, to reflect the unique aspects of New Jersey public sector labor law. Two excellent sources for additional terms, which were utilized in the preparation of this glossary, are: Shaughnessy, Marlene revised by Marjorie Watson *Information Sources for New Jersey Public Sector Collective Bargaining*, Institute of Management and Labor Relations, Rutgers University, 1976; *Terms in Public Sector Labor Relations: A Practitioners Guide*, Midwest Center for Public Sector Labor Relations, Indiana University.

signature on an authorization card does not necessarily mean that he is a member of the organization but rather indicates that the employee supports the union in its quest to become the majority representative. The signing of authorization cards is the first step in the establishment of bargaining rights.

Bar Rules—Procedural barriers, established by law to promote labor stability by providing continuity for the bargaining agent and bargaining unit.

Certification/Election Bar—Protects a newly certified representative for a period of at least one year from the possibility of facing another election, and protects a bargaining unit from being modified except through the filing of a clarification of unit position.

Contract Bar—Protection during the life of an agreement which limits the filing of representation petitions to the “open period.” In New Jersey school contracts, petitions challenging the exclusive status of an employee organization must be filed between September 1 and October 15 during the last year of an existing contract.

Bargaining Unit (Negotiating Unit)—A group of employees that has been recognized by the employer, or certified by PERC, as constituting an appropriate unit for the purposes of collective bargaining.

Bergenfield Letter—A statement made prior to or during negotiations which indicates that a board of education’s bargaining agent is only cloaked with the authority to reach a tentative agreement and that the authority to ratify or reject the tentative agreement rests with the full board.

Binding Arbitration—*See Arbitration.*

Cap (On Cost of Benefits)—A provision which places a dollar or a percentage limitation on an employer’s liability to fund increased costs of a particular benefit. Caps are useful tools to contain rising health benefit costs.

Caucus—In collective negotiations, when either party requests a recess from bilateral at-the-table deliberations for the purposes of discussing any bargaining issue by itself.

Card Check—Procedure whereby signed employee authorization cards are checked against an acceptable list of employees in a prospective bargaining unit to determine if the organization has majority status. Under New Jersey law, the employer may recognize the organization on the basis of this check without the necessity of a formal election.

Certification—In New Jersey, determination by PERC that a particular employee organization is the majority choice, and hence the exclusive bargaining representative of all employees in an appropriate bargaining unit. The determination usually follows a secret election of the employees in a bargaining unit.

Check-Off—*See Dues Check-off.*

Clarification of Unit—*See Unit Clarification.*

Coalition Bargaining—*See Coordinated (Coalition) Bargaining.*

Collective Bargaining Agreement—The document incorporating the results of the negotiations between the parties; a written instrument setting forth the terms and conditions of employment, grievance resolution procedures, and any other accords resulting from collective bargaining. Also known as the contract, agreement, etc. PERC requires that the terms of a collective bargaining agreement be reduced to writing and that the terms of a collective bargaining agreement cannot be changed unilaterally by either party.

Collective Bargaining Unit—*See Bargaining Unit.*

Collective Negotiations (Collective Bargaining)—A method in which representatives of the employees and employer determine the terms and conditions of employment of all positions in a bargaining unit through direct negotiations.

Commission—*See PERC.*

Community of Interest—A factor to be considered in determining whether employees should be grouped together as an appropriate bargaining unit. Community of interest is not defined by the New Jersey Employer-Employee Relations Act, but the Public Employee Relations Commission has ruled that a community of interest arises among all nonsupervisory employees in a school district (both certificated and noncertificated) because school district employees have a common employer, work in the same buildings, and have similar goals and purposes, i.e., the education and betterment of students.

Comparative Data—Statistical data used to make comparisons between levels of employee compensation. Frequently used to support bargaining proposals. Boards should ascertain that the data reflects similarities in the districts’ demographics and other working conditions.

Concerted Activity—Usually means a strike, but refers to any kind of job action by an employee group or groups of employees designed to put pressure on the employer to reach a settlement quickly.

Confidential Employee—Employee whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiations unit incompatible with their official duties. In determining the confidential status of a position, PERC looks beyond the job title and the written job description to examine the employee’s actual job functions. To be considered a “confidential employee,” the job’s actual ongoing functions must lead to advance knowledge of the employer’s bargaining strategy and negotiations positions.

Consent Election—*See Election.*

Consolidation of Unit—*See Unit Clarification.*

Consultation—The process through which the employer seeks the opinions and suggestions of employees and employee organizations in the formulation and implementation of policies. The employer maintains its management prerogatives and makes the final decisions.

Contempt of Court—An action that obstructs or tends to obstruct administration of justice by a court. In labor disputes, failure to obey an injunction, or a court order enforcing the cease and desist order of an administrative agency, may lead to contempt action that can result in a fine, imprisonment, or both.

Contract—*See Collective Bargaining Agreement.*

Contract Administration—Living under, interpreting, and applying the terms of the collective bargaining agreement.

Contract Bar—*See Bar Rules.*

Coordinated (Coalition) Bargaining—A practice in which either several employers or several unions (or locals) form a committee to develop common bargaining objectives to be obtained during negotiations. This can become an unfair labor practice if coordination results in bargaining patterns that ignore the distinct boundaries of separate bargaining units; for example, agreement in negotiations cannot be conditioned upon the terms of other units nor upon settlement of other ongoing negotiations.

Counterproposal—An offer made by either party in collective bargaining negotiations in response to a proposal by the other party. Agreement is usually reached after a series of proposals and counterproposals have been made by each side.

Decertification—A procedure for removing the designation of an employee organization as the certified bargaining representative. This is done after a petition (available only to employees) is filed with PERC alleging that the organization no longer represents a majority of the employees. In New Jersey, this can be resolved by an election among the employees.

Demand-and-Return System—A procedure which provides non-union members with the right to review the amount of an agency shop fee and to receive a refund of any portion of the fee which does not represent costs associated with collective negotiations and relevant lobbying activities. Under New Jersey law, the employer must ensure that this system is in place before deducting the negotiated representation fee.

Discrimination—The shortened form for “discrimination in regard to hire or tenure of employment as a means of encouraging or discouraging membership in a labor organization.” Such discrimination is an unfair labor

practice under federal and state labor laws. It is also the refusal to hire, promote, or admit a person to union membership because of race, creed, color, sex, or national origin.

Due Process—The procedural protections that are enjoyed by all people, including government employees, in their relationships with their various governments; substantive protections that the Constitution and statutes afford public employees.

Dues Check-Off—A union security device by which union fees or dues are collected through payroll deductions. In the New Jersey public sector, an employer may not deduct union dues from an employee’s pay without a signed authorization by the employee.

Duty of Fair Representation—Applies to a union’s duty to represent all members of a bargaining unit that the organization has been designated to represent. The union must represent all bargaining unit employees regardless of their union membership status.

Duty to Bargain—*See Unfair Labor Practice.*

Election—A proceeding conducted by PERC in which members of an appropriate bargaining unit cast secret ballots to determine which, if any, employee organization is desired to become the unit’s exclusive bargaining representative. Elections may result from a joint request of an employer and the union(s) involved in the representation issues (known as a consent election) or may be ordered by PERC to resolve a question of representation. The employee organization receiving the majority of valid ballots cast in the election is certified by PERC as the unit’s exclusive representative.

Election Bar—*See Bar Rules.*

Employee Organization—*See Labor Organization.*

End-Run Bargaining—An attempt to gain an advantage in negotiations in which a local union contacts individual board members in an attempt to negotiate away from the table. This political power play is an attempt to create a rift on the board or the negotiations committee to allow the union to achieve gains which it might not otherwise have been able to attain. Unauthorized sidebar negotiations have never helped the negotiations process and have often proven to be disastrous for boards of education.

Exclusive Representative (Majority Representative)—The employee organization certified to represent a majority of the employees in an appropriate bargaining unit. The exclusive representative is designated as the agent for collective bargaining and grievance processing for all employees in the unit, both members and non-members. Not only is no other union permitted to represent the employees, but the individual employee in the designated bargaining unit is not free to negotiate his own contract with his employer. An individual may, however, process his own grievance.

Factfinding—An impasse resolution process which is more formal than mediation. In New Jersey, factfinding occurs after the parties are unable to reach a contract and after mediation efforts have failed. Factfinders hold quasi-judicial hearings where both parties present evidence to support their respective bargaining positions. Based on the information presented, factfinders issue a written report and nonbinding recommendations for a settlement. New Jersey law requires school districts to release factfinders reports to the public 10 days after the parties' receipt of the neutrals' recommendations.

Good Faith Bargaining—The requirement that an employer and employee organization meet at reasonable times to negotiate in good faith, with an intent to reach an agreement, with respect to wages, hours, and other terms and conditions of employment. Good faith bargaining is determined based upon a "totality of conduct" and has traditionally been interpreted not to require an employer or union to agree to a proposal or to make a concession, although each party must maintain an open mind and a willingness to be persuaded by the other party.

Grievance—A complaint by an employee or a union arising out of interpretation or application of the collective bargaining agreement; covers any aspect of the employment relationship. Many collective bargaining agreements limit those issues that may be termed grievances by defining the term with some precision. The New Jersey Supreme Court has ruled that, at a minimum, a grievance definition must allow an employee to present grievances based upon the interpretation, application, or violation of a labor contract, policies, or administrative decisions affecting terms and conditions of employment.

Grievance Arbitration—*See Arbitration.*

Grievance Procedure—The mechanism outlined in the collective bargaining agreement which provides employees with a formal procedure by which to appeal managerial decisions. Grievance procedures generally establish who may grieve, what may be grieved, how the grievance will be processed, and how it will be resolved.

Hearing Examiner—A PERC staff member employed to take testimony and issue recommendations to the Commission in unfair practice matters.

Illegal (Subjects for Bargaining)—*See Scope of Negotiations.*

Impasse—Stalemate or deadlock in collective bargaining between management and labor representatives; a point at which either or both parties to negotiations determine that no further progress toward settlement can be made through direct negotiation. In New Jersey, when impasse occurs, the parties to negotiations may request, individually or jointly, that the Public

Employment Relations Commission assign a mediator. If mediation is not successful, PERC may assign a factfinder.

Implementation—An extremely rare procedure in which an employer unilaterally imposes its last offer on all terms and conditions of employment. An employer may only implement after negotiations have reached "true impasse," and implementation does not signal an end to the bargaining obligation. Unlike other public employers, school boards may not invoke this procedure.

Increment—The intervals between steps on the same column of a salary guide.

Injunction—An order restraining individuals or groups from committing acts which may do irreparable harm. There are two types of injunctions: temporary restraining orders, issued for a limited time and prior to a complete hearing; permanent injunctions, issued after a full hearing, in force until such time as the conditions which gave rise to their issuance have been changed.

Interest Arbitration—*See Arbitration.*

Interim Relief—A temporary or provisional remedy. Provision for a temporary solution to a problem. On occasion, a party making an unfair labor practice charge seeks interim relief, alleging that the respondent's conduct will cause the charging party to suffer an irreparable injury before the litigation of the charge can be completed.

Job Action—Any concerted effort by employees in the public sector to exert pressure on management during negotiations using tactics which affect the quality and/or the quantity of their work performance.

Just Cause—This standard has come to denote a variety of "due process" safeguards, such as rights to notice and a hearing, to assure that discipline has been imposed in an appropriate manner and for sufficient reasons.

Labor Organization—Any organization of any kind, or any agency or employee representative, committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, rates of pay, hours of employment, or conditions of work.

Longevity Pay—A negotiated clause providing additional compensation based upon the number of years of service to an employer.

Management Prerogative—Areas in which employers are held to have the right to make unilateral determinations. These rights are often expressly reserved to employers in statute, agreements, or memoranda of understanding. They often include the right to determine educational policy and are distinguished from terms and conditions of employment in the context of scope of bargaining determinations.

Management Rights Clause—A contract provision spelling out areas where the employer reserves discretion or expressing areas over which the employer retains control. They often include the right to determine educational policy to maintain efficiency and order and to hire and direct the workforce.

Managerial Executive—Persons who formulate management policies and practices, and persons who are charged with the responsibility of directing the effectuation of such management policies and practices. In a school district, this term includes only the superintendent or other chief administrator and the assistant superintendent of the district. Managerial executives are not protected by the Act, nor may they be part of any bargaining unit.

Mandatory or Required Subjects for Bargaining—*See Scope of Bargaining.*

Mediation—A process in which a neutral third party assists parties in a bargaining dispute to come to a voluntary agreement by suggesting possible areas of compromise, bringing a different point of view, clarifying issues, and other techniques designed to bring the parties closer together and narrow the disagreement. In New Jersey, if a public employer and employee representative are unable to reach agreement after “genuine and sincere” bargaining efforts, either party, or both parties jointly, may request the Public Employment Relations Commission to assign a mediator. The mediator makes no public recommendations but does submit a confidential report to the Commission. The function of mediation is to assist the parties by being creative and innovative in finding areas of agreement and compromise to reach final resolution of the impasse. The mediator has no formal power to force a settlement. If the mediator fails to resolve the impasse, the Commission’s representative may invoke factfinding.

Merit Pay—The linking of salaries of individual employees to an evaluation of their performance. Merit pay is perceived as being a way to reward outstanding employees. As a form of compensation, merit pay is mandatorily negotiable.

Minority Union—A union which does not have exclusive bargaining rights because it has not been able to win the support of a majority of the employees in a particular unit; however, a minority of employees continue their membership with that union and the union continues to maintain its identity. Employers may not negotiate with minority unions, and minority unions may not initiate grievances on behalf of their members. *See Exclusive Representation.*

Model Agreement—A collective bargaining agreement sometimes rendered by an employee organization to its locals to serve as a standard agreement for their locals consideration.

Negotiations Agent—*See Agent, Negotiations.*

Negotiating Unit—*See Bargaining Unit.*

New Jersey Employer-Employee Relations Act—The labor relations law covering public employees in New Jersey. The law guarantees that public employees shall have the right to form, join, or assist any union or to refrain from such activity. First passed in 1968, the Act authorizes the Public Employment Relations Commission to conduct representation proceedings, to hear matters concerning unfair practices, to assist the parties during contract negotiations by assigning mediators and factfinders, and to make determinations of whether a matter in dispute is within the scope of collective negotiations.

Neutral—An individual who acts as conciliator, mediator, factfinder, or arbitrator; any disinterested third party who intervenes into negotiation disputes in order to facilitate settlement.

No-Strike Clause—A provision in a collective bargaining contract in which the union promises that during the life of the contract the employees will not engage in strikes, slowdowns, or other job actions.

Open Period—The defined period of time during an existing contract when petitions may be filed with the Public Employment Relations Commission to change the composition of a bargaining unit or that employees can petition for a change in the identity of a majority representative. In cases involving New Jersey public schools, the open period is between September 1 and October 15 of the last year of an existing contract. (Note: petitions are also appropriate after a negotiated contract’s expiration date.)

Parity—An equivalence between groups of employees with respect to rates of pay and other terms and conditions of employment. The percentage ratio maintained in the salaries of two groups. Contract clauses which attempt to automatically maintain parity between two or more groups of organized employees are illegal in New Jersey.

PERC—*See Public Employment Relations Commission.*

PERC Law—*See New Jersey Public Employer-Employee Relations Act.*

Permanent Arbitrator—An arbitrator who is appointed under the terms of the collective bargaining agreement for a specified period of time to hear all grievance arbitrations during that time. A permanent arbitrator has no tenure in his position and serves at the pleasure of the parties.

Permissive Subject of Bargaining—*See Scope of Negotiations.*

Picketing—The patrolling of the entrance to an establishment by union members. The goal of picketing may be to persuade other workers to stop work or to publicize

the existence of a dispute. Picketing may occur to pressure an employer to agree to certain contract terms, to settle a grievance, or to cease and desist from alleged unfair labor practices. Picketing is not synonymous with striking.

Progressive Discipline—A process in which increasingly severe penalties are imposed on an employee when lesser discipline fails to correct the employee's behavior; except for very serious misconduct, the most severe discipline is rarely imposed for a first offense.

Protected Activity—Those activities with respect to the exercise of rights under labor relations statutes which are specifically allowed. Under the New Jersey Employer-Employee Relations Act, public employees have the right to freely, and without fear of penalty or reprisal, form, join and assist any employee organization or to refrain from any such activity.

Public Employment Relations Commission (PERC)—This commission, which administers the New Jersey Employer-Employee Relations Act, consists of seven members appointed by the governor with the advice and consent of the Senate. Of these members, two are representatives of public employers, two are representatives of public employee organizations, and three are representatives of the public including the appointee who is designated as chairman. *See New Jersey Employer-Employee Relations Act.*

Public Employment Relations Commission Appeal Board—The Public Employment Relations Commission Appeal Board, which consists of three members, was established to consider appeals of the amount of representation fees paid to unions by non-union members as part of an agency shop agreement.

Recognition—The written acceptance by a public employer of an employee organization as the majority representative of employees in an appropriate unit. Recognition is a major step in the establishment of a collective bargaining relationship and usually follows an election in which the majority of employees have selected an organization to represent them. Under certain conditions, employers may also voluntarily recognize an organization without an election or official certification.

Reduction in Force (RIF)—An elimination of staff positions, often as the result of a decline in enrollment.

Remedy, Remedial Order—An order of an administrative agency, court, or arbitrator to correct a defect; relief or cure.

Reopener Clause—A provision in a collective bargaining agreement stating the time or the circumstances under which negotiations can be requested prior to the expiration of the contract. Reopeners are usually restricted to specific issues and not used for the contract as a whole.

Representation Fee—*See Agency Shop.*

Representation Proceeding—A procedure for the purpose of determining the majority representative of employees, if any, in an appropriate collective negotiating unit or a question or controversy concerning the representation of public employees for the purpose of collective negotiations.

RIF—*See Reduction in Force.*

Scab—A derogatory term for an employee who refuses to go out on strike with his co-workers; an employee who is hired to replace a striking employee.

Scope of Negotiations (Scope of Bargaining)—The range of subjects dealt with by union and management and covered in the collective bargaining agreement. There are currently only two categories of bargaining for New Jersey public school district employees: 1) mandatory—those matters which intimately and directly affect the work and welfare of public employees and on which negotiated agreement would not significantly interfere with the exercise of inherent managerial prerogatives pertaining to determination of governmental policy and which are not preempted by statutes; 2) illegal—subjects over which neither party has the authority to bargain. Permissive subjects, which exist only for police and fire fighters in New Jersey, are those which the parties may choose to negotiate, but are not required to negotiate, and which would not significantly interfere with the exercise of inherent managerial prerogatives pertaining to determination of governmental policy.

Showing of Interest—Evidence that a certain number of the employees in the proposed bargaining unit wish to be represented by the petitioner for the purposes of collective bargaining. *See Authorization Card.*

Status Quo, Obligation to Maintain—A legal responsibility that an employer maintain all of the terms and conditions of employment contained in an expired agreement until a successor agreement is reached.

Strike—A concerted work stoppage by employees resulting from a bargaining impasse or some other conflict between employer and employee. The New Jersey Supreme Court has held that strikes by public employees are illegal.

Subjects for Bargaining—*See Scope of Bargaining.*

Super-Conciliation—The third stage of impasse resolution after mediation and factfinding. The law authorizes the PERC-appointed super conciliator to investigate the dispute and work to resolve differences until a voluntary agreement is reached. If the actions taken fail to resolve the dispute, the super conciliator will issue a report that becomes public within 10 days after it has been received by the parties.

Supermaximum Salaries (Supermax)—Salaries paid to employees which are higher than the maximum listed on a given salary guide track.

Supervisor—Personnel employed by an employer who have the power to hire, discharge, discipline, or to effectively recommend the same. Under the New Jersey Public Employer-Employee Relations Act, supervisors may not be included in a collective bargaining unit which negotiates for nonsupervisory personnel.

Surface Bargaining—Lack of intent to reach an agreement; superficial negotiating. Surface bargaining constitutes a refusal to bargain and is an unfair labor practice. *See Good Faith Bargaining.*

Terms and Conditions of Employment—Generally speaking, wages, hours, working conditions, and fringe benefits. Terms and conditions of employment constitute mandatory topics of negotiations and are those matters which intimately and directly affect the work and welfare of public employees and on which negotiated agreement would not significantly interfere with the exercise of inherent managerial prerogatives pertaining to determination of governmental policy.

True Impasse—The status of negotiations after mediation, factfinding, and post-factfinding negotiations have failed to result in a settlement.

Unfair Labor Practice—A practice on the part of either union or management which violates the provisions of the New Jersey Employer-Employee Relations Act. Examples on the part of unions are: (1) causing an employer to discriminate against an employee on the basis of that employee's membership in a union; (2) refusing to bargain collectively with an employer; (3) interfering in an employer's exercise of his rights under the statute; (4) failing to fairly represent all members of the bargaining unit. Examples on the part of management are: (1) controlling or interfering with unions; (2) discriminating against workers for the union support or activity; (3) retaliating against workers for complaining to the administrative agency; (4) refusing to bargain collectively with the exclusive representative.

Union—*See Labor Organization.*

Union Animus—*See Anti-union Animus.*

Union Security—Provisions in collective bargaining agreements that protect unions, such as: mandated union membership, payment of dues or representation fees, and arrangement for the employer's collection of those monies.

Unit Clarification or Modification—A change in the original composition of the bargaining unit consolidation, and accretion. Unit clarification is a procedure for eliminating or adding certain employees to existing bargaining unit. Accretion assimilates employees in positions created after certification into an existing unit. Consolidation is a means for overcoming fragmentation of a unit; a combination of existing units into one comprehensive unit.

Unit Determination—A procedure by which a labor relations agency makes a finding as to the appropriateness of including certain employees within a group for collective bargaining purposes (bargaining units). Unit determination criteria are frequently established by statute and provide guidelines to the agency in judging the fitness of the unit.

Unit Determination Criteria—Factors established for guidance in creating bargaining units. These include community of interest: the existence of a common-enough aspect of employment to make it reasonable for a group to negotiate together; efficiency of operation: the employer's capacity to function in view of the inclusion of certain employees in the same unit; the bargaining history of the parties: the manner in which they have previously functioned; and others.

Unit for Bargaining—*See Bargaining Unit.*

Voluntary Recognition—*See Recognition.*

Working to the Contract—A job action in which employees adhere to the letter of a labor contract in an effort to cause inefficient operations.

Zipper Clause—A provision in a collective bargaining agreement that specifically states that the written agreement is the complete agreement of the parties and that anything not contained therein is not agreed to unless put into writing and signed by both parties following the date of the agreement. The zipper clause is intended to stop either party from demanding renewed negotiations during the life of the contract. It also works to limit the freedom of a grievance arbitrator because he must make his decision based only on the contents of the written agreement.