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THE ACTIVIST'S LABOR DICTIONARY



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Message from CSEA President Mary E. Sullivan



The often complex world of collective bargaining will be a little less complex if you keep our CSEA Labor Dictionary nearby.

It is an excellent resource that helps bridge barriers created by technical language that can sometimes be very intimidating. Think of it as a shortcut to the “language” of collective bargaining and unionism. It contains just about everything you need to know -- in a user-friendly format -- from “A” to “Z.”

Our goal, of course, is to provide you with a wide range of tools you need to become an effective advocate for working people. Keep in mind the better the job you do, the stronger the union becomes.

Let me also “thank you” for getting involved and challenge you to do your best. Remember, you are CSEA and together we are New York’s leading union.

In solidarity,


Mary E. Sullivan

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A

AAA – American Arbitration Association (AAA) is a private, non-profit agency that offers its services to labor unions, management and general businesses seeking an independent, third party to settle disputes.

Abolished Position – A position that no longer exists due to budgetary or other good faith reasons.

Accruals – Leave credits that have been earned and accumulated.

Acceptor – An individual whose name appears on an eligible list and is willing to accept the appointment.

Across-the-Board Increase – A general wage increase for all employees at a uniform rate.

Administrative Law Judge – A person also known as a hearing officer that presides at an administrative hearing with power to administer oaths, take testimony, rule on questions of evidence, regulate the course of proceedings and make agency determinations of fact.

Affidavit – A written or printed statement of fact made voluntarily and sworn to, i.e. statement signed in the presence of a notary public.

Affirmation – A written or printed statement of fact made voluntary and under the penalty of perjury.

Affirmative Action – Any action that is intended to correct the effects of past discrimination, eliminate present discrimination or prevent discrimination in the future by removing artificial barriers to increase the representation of the members of protected classes, engaging in their active recruitment, hiring and promotion.

AFL-CIO – American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) was created in 1955 through the merger of two specialized federations. It does not act as a bargaining agent. Instead, its primary functions are education, political and assisting member unions in organizing.

AFSCME – The American Federation of State, County and Municipal Employees (AFSCME) is one of the largest affiliates of the AFL-CIO. It is an international union that represents public employees across the United States. The 1978 CSEA affiliated with AFSCME and became Local 1000.

AFSCME Retiree Chapter 1000 – The retiree division of CSEA that includes retired state workers, local government workers, outside of New York City, and some private sector workers.

Agency Shop – A bargaining unit where the contract requires employees who are non-union members to pay a “fee” equal to union dues as their fair share of expenses involved in negotiating and administering the contract. Actual membership, however, remains voluntary. The agency shop eliminates free riders. (See the definition for Free Rider)

Agenda – Memoranda of items of business or discussion to be brought up at a meeting; a program consisting of such items.

Allocate – To assign a class of positions to a particular grade in the salary schedule based on the evaluation of its relation to other classes of position.

Alternative Work Schedule – Work schedules that are other than the standard 5-day, 7 ½ or 8 hour, 37 ½ or 40 hour week. Such schedules are authorized by the Governor’s Executive Order # 68 and include options such as flextime, staggered hours, compressed workweek and shared positions.

Americans With Disabilities Act of 1990 (ADA) – Prohibits the exclusion of people from jobs, services, activities or benefits based on disability; covers employment, public services and transportation, public accommodations, telecommunications and miscellaneous provisions. An employee covered by ADA is one whose disability limits him/her in a major life activity but can perform the essential functions of his/her job.

Annual Salary – The salary for a particular person as a set amount per year. An employee receives a portion of his/her annual salary per payroll period.

Answer Key – A list of correct answers to which a candidate’s answers are compared.

Anticipated Eligibility – The practice of permitting candidates to participate in an examination based on qualifying experience and/or education less than that required for appointment. Candidates so admitted are restricted from appointment until completion of required experience and/or education. When used, the terms and conditions for admission to test and certification are specified on the examination announcement.

Application Pool – All individuals that have applied for a particular position or group of positions, or that have applications on file.

Application Roster – A document prepared at the end of the examination process, which lists all the individuals who have submitted applications for examination.

Appointment Authority - A person who has the power to hire or dismiss employees.

Appointment – The act of naming a person to fill a position or office.

Arbitration – A method of settling labor/management disputes by having an impartial, third party, or arbitrator, render a decision on the question(s) presented to him/her. Decisions may be either advisory or final and binding.

Arbitration (Advisory) – A method of settling disputes. An impartial, third party, or arbitrator, renders a decision on the question(s) presented to him/her. Decisions may be either advisory or final and binding.

Arbitration (Final & Binding) – A method of settling disputes. A neutral, third party, or

arbitrator, holds a hearing, listens to the arguments and evidence and makes a decision that both parties must abide by.

Arbitrator – A neutral person either chosen by the parties to a dispute or appointed by a court to hear the parties’ claims and render a decision.

Arbitrator’s Award –The final decision of an arbitrator issued to both parties of a dispute. An opinion usually accompanies a decision.

Article 33 – Disciplinary procedures for certain State CSEA members.

Article XX and Article XXI – Sections of the AFL-CIO Constitution, which address inter-union jurisdictional disputes so no affiliate will try to organize another affiliate. If disputes cannot be settled amicably the AFL-CIO appoints an impartial umpire to hear the facts and render a decision binding on all parties to the dispute.

Article 78 – A court proceeding for the challenge of a governmental determination, action or failure to act. For example: it can be used to challenge a decision of PERB, the action of a government which fires a probationary employee for an illegal reason or the failure of a government to provide a benefit to an employee that the employee that the employee is entitled to under the Civil Service Law.

ASU – Administrative Services Unit (ASU) is a CSEA represented bargaining unit that includes occupational groups involved in the preparing, transcribing and maintaining records, reports and communications. Many ASU positions require technical skills involved in informational/word processing. ASU members are employed in nearly every state agency and facility.

Attendance Rules – A shorthand term referring to Chapter 11 of Title 4 of the Official Compilation Codes, Rules and Regulations of the State of New York entitled “Attendance Rules for Employees in New York State Departments and Institutions.” The Attendance Rules promulgated by the Civil Service Commission cover areas such as sick leave, vacation, time allowances and other conditions of employment. These rules incorporate the general terms agreed to by the parties of the state-CSEA collective bargaining agreements.

Attrition – Reduction of the work force through resignations, retirements or deaths rather than dismissals.

Authorization Card – A statement signed by an employee in an organizing drive that designates a union to act as his/her agent.

Availability Pool – The total of those persons who meet the minimum qualifications for a position and who are assumed to be available to fill the job.

Award – The final decision of the arbitrator issued to both parties of a dispute. An opinion usually accompanies the award.

B

Back Pay – Wages due to an employee who is reinstated to his/her job after being wrongly suspended or discharged. It may also refer to wages due because an employer violated the Fair Labor Standards Act (minimum wage/overtime pay regulations).

Ballot – An instrument used for casting a vote.

Bargaining Agent – A union that is the exclusive representative of all workers in the bargaining unit.

Bargaining Unit – A term used to describe a negotiating unit designed by the Public Employment Relations Board (PERB) or recognized by the employer. Employees are grouped together in negotiating units based on their community of interest. Each bargaining unit can only be represented by one employee organization at a time.

Base Salary – An employee's annual salary before adjustments by the addition of inconvenience pay, geographic differential, etc.

Base Worksheet – Under Civil Service Law, the basic worksheet is 40 hours. However, where the shorter workweek would not interfere with the proper performance of government functions, an appointing authority, subject to rules and regulations promulgated by the Director of the Budget, may establish a basic worksheet of not less than 37 ½ hours.

Bereavement Leave – Leave with or without pay for the death of a family member or significant other. (See your contract)

Bidding – A procedure to fill job vacancies. (See the definition for Job Postings)

Board of Directors CSEA – Membership includes four statewide officers, six regional presidents, who also serve as statewide vice presidents, and 106 members elected from various state agencies and local governments.

Bump – In a layoff situation, the displacement of an employee by another employee who has been laid off and who has greater retention standing and is serving in the next higher level direct line title.

Business Necessity – A legitimate business purpose that justifies an otherwise unlawful or discriminatory employment practice. It must be demonstrated that the practice is necessary to the safe and efficient operation of the business.

C

Canvass – An inquiry as to whether individuals whose names appear on appropriate eligible lists are interested in being appointed to a particular vacancy, title and/or location if offered employment.

Capital Region (CSEA Region IV) – One of the union’s six geographic subdivisions; has its own officers, constitution and by-laws, committees and budgets.

Captive Audience Speech – An illegal practice by employers during a representation election, which requires workers to attend meetings on company time to hear why they should not join a union.

Career Ladder – A series of jobs requiring related and increasingly responsible or complex duties through which employees may achieve promotions by examination, experience and/or on-the-job training.

Cease and Desist Order – An order of an administrative agency or court prohibiting a person or business from continuing a particular course of conduct.

Central Region (CSEA Region V) – One of the union’s six geographic subdivisions; has its own officers, constitution and by-laws, committees and budgets.

Certification – An official designation of a union as the exclusive representative of a bargaining agent.

Certification Bar – A period of time during which a union cannot be challenged as the exclusive bargaining agent.

Certification (Eligible List) – The names of individuals whom the Civil Service Department certifies to be eligible for appointment to a specific title. A certification is normally valid for 60 days. The Civil Service Department may decentralize the certification process.

Checkoff – An arrangement under which employers automatically deduct dues/fees from employees and turn over dues/fees to union.

Civil Service Commission (Local Government) – Promotes “merit and fitness” in hiring, reviews job applications, schedules exams, does testing, classifies and reclassifies jobs etc. Mostly found in counties, but occasionally in cities, towns and villages.

Civil Service Commission (State) – Established by law and consists of three Commissioners appointed by the Governor to 6-year terms, one of whom is designated as the President of the Commission and serves as President at the Governor’s pleasure. The President also serves as the head of the Department of Civil Service. The Commission promulgates rules, hears appeals and conducts investigations.

Civil Service Department – A state agency that fills basic personnel needs by recruiting, testing and placing personnel in other state agencies; sets minimum job qualifications/standards, classifies/reclassifies jobs, assigns salary grades, advises the local Civil Service Commissions and monitors compliance with Civil Service Law.

Civil Service Law – A collection of State Laws that deals with the statutes of public employees. The laws deal with such matters as the classification of public employees,

their job security and their right to collective bargaining. These laws are supplemented by the rules of the State and Municipal Civil Service Commissions.

Civil Service Law Section 71 – Leave for and reinstatement from a disability as defined in Worker’s Compensation.

Civil Service Law Section 72 – Leave for ordinary disability.

Civil Service Law Section 73 – Reinstatement after separating for disability leave for ordinary disability.

Civil Service Law Section 75 – Grants certain classes of employees the right to union representation during questioning if the employee is a possible subject of discipline and to a hearing before they are disciplined or discharged. Many contracts also give employees similar rights in arbitration or due process clauses.

Civil Service Law Section 80 & 81 – Suspension or demotion upon the abolition or reduction of positions based on seniority; placement of preferred lists, certification and reinstatement there from.

Class Action Lawsuit or Grievance – A lawsuit or grievance initiated by one or more person(s) on behalf of all person(s) similarly situated.

Class or Class of Positions – One or more positions sufficiently similar, in respect to duties and responsibilities, that the same title may be used to designate each position in the group, the same grade allocated, the same qualifications required and the same examination used to select eligible employees.

Classification Standard/Class Specification – A written description of a title or position, which includes information on the duties and responsibilities of incumbents, minimum qualifications for appointment and other distinguishing, features.

Classified Service – All offices and positions in the Civil Service not included in the unclassified service. They are divided into four jurisdictional classes: competitive, non-competitive, labor and exempt.

Classify – To group positions according to their duties and responsibilities and assign a class title: to establish a new position with a proper and descriptive title.

Clean Indoor Air Act – This law limits smoking in public buildings to certain locations. Certain restrictions also apply to publicly owned motor vehicles.

Closed Shop – A requirement that only union members can be hired. This is illegal under federal and state statutes.

Coalition Bargaining (CSEA) – A practice during the final stage of CSEA/State negotiations when CSEA-represented bargaining units join together to negotiate identical agreements with New York State. Coalition issues include wages, benefits, grievance

procedures and disciplinary procedures. This may be done with local governments where one employer negotiates with CSEA for several units.

COLA – Cost-of-Living Adjustment (COLA) or automatic increase in wages based on change in consumer price index. This is sometimes called an “escalator clause.”

Collateral Line – Titles that are not in a direct line to a promotion title but are sufficiently comparable in duties and salary grades that incumbents may be allowed to compete for in the promotion examination.

Collective Bargaining (CSEA) – The exchange of promises between an employer and a union concerning terms and conditions of employment and, at times, including other promises for employees in a bargaining unit. (See the definition for Negotiations)

Collective Bargaining Agreement – A written agreement between an employer and union that sets the terms and conditions of employment (i.e., wages, hours, fringe benefits) and establishes procedures to be used in settling certain disputes that may arise during the term of the agreement. (See the definition for Contract)

Collective Bargaining Specialist (CSEA) – A staff person whose only assignment is to negotiate collective bargaining agreements (contracts).

Community of Interest – A standard used to judge whether similarities in working conditions (i.e., skills, duties, hours, wages, etc.) create an appropriate bargaining unit.

Comparable Worth – The concept of providing the same level of pay for different jobs which are determined to be of equivalent value to an employer; used to remedy systematic under compensation of particular jobs because of the gender or race of the majority of incumbents.

Competitive Class – Civil Service positions where the merit and fitness of candidates is determined by examinations that rank the candidates against each other. Most positions in the state Civil Service are in the competitive class.

Complaint Inspection – A PESH inspection of a workplace when the inspector is assigned to do the inspection without a complaint being received by the PESH Bureau.

Compressed Worksheet – Full-time work schedules with fewer than 5 days in a workweek.

Consolidated Omnibus Budget Reconciliation Act (COBRA) – Grants certain former employees, retirees, spouses and dependant children or employees who lose their coverage because of reduced work hours, loss of employment, or change in marital status the to temporary continuation of health coverage at group rates.

Consumer Price Index (CPI) – Statistics issued monthly by the United States Labor Department, Bureau of Labor Statistics that measure the increase or decrease of a

constant market base of goods and services. CPI is most often used to measure the rate of inflation.

Contingent Permanent Appointment – A “permanent” appointment or promotion to a position left temporarily vacant by the leave of absence of the permanent incumbent of the position. Such appointees have the same rights as the permanent appointees except that they will be displaced by the return of the permanent incumbent.

Continuous Recruitment – A type of examination for which applicants are accepted continuously and the test itself is administered periodically. Successful candidates are added to the list for a specified period of time, in rank order, without regard to the date of the addition of their name to the eligible list.

Contract – In labor relations this is a collective bargaining agreement. (See the definition for Collective Bargaining Agreement)

Contract Administration – The process of filing, appealing, settling and arbitrating grievances and other disputes covered by the collective bargaining agreement.

Contract Negotiations – See the definition for Negotiating Committee (team).

Contract Proposals – Issues or items to be discussed at the bargaining table during contract negotiations.

Contract Ratifications (CSEA) – The process of submitting a tentative agreement to the general membership for approval. A contract is considered ratified if fifty percent of votes cast, plus one, favor the tentative agreement.

Contracting Out – The practice of an employer having work performed by employees not in the bargaining unit or by an outside contractor.

COPE – The AFL-CIO Committee on Political Education (COPE) supports pro-labor candidates for elective office and raises funds through voluntary contributions.

Counseling Memo – A written document notifying an employee that he/she will be disciplined if he/she continues the behavior that is the subject of the memo or written document. This document notifies the employee to discontinue unacceptable behavior.

Cover In – An action taken by the Civil Service Commission to confer permanent status on employees without requiring them to take an examination. This action is usually taken in connection with the reclassification of a position to the competitive class.

Credible Experience – Experience possessed by an applicant that is appropriate for meeting minimum qualifications and/or for credit on certain examinations.

CSEA – The Civil Service Employee Association (CSEA) is New York State’s largest public employee union. Members include employees of New York State and its counties, cities, towns, villages, school districts, library systems, authorities and public corporations. It is the largest affiliate (Local 1000) of the American Federation of State,

County and Municipal Employees (AFSCME), which is one of the largest affiliates of the AFL-CIO.

CSEAP – Clerical and Secretarial Employee Advancement Program (CSEAP) is a joint labor/management project for the employees of New York State’s administrative services unit. Its purpose, as described in the CSEA/State contract, is to “improve employee morale, mobility and productivity and to provide increased advancement opportunities for women, minorities and the disadvantaged within state service.”

CWEP – Committee on Work Environment and Productivity (CWEP) is a joint CSEA/New York State labor/management committee that aims to improve employee productivity while also enriching quality of working lives.

D

DC 37 – District Council 37 of the American Federation of State, County and Municipal Employees (AFSCME) represents public employees in New York City.

DC 82 – District Council 82 of the American Federation of State, County and Municipal Employees (AFSCME) represents public employees in law enforcement related positions, such as correction officers, police officers and security officers.

Decentralized Examination – A competitive examination for which all or part of the development, administration and scoring has been decentralized to the appointing authority that will make use of the resulting eligible list.

Decertification – A procedure during which bargaining unit employees file petitions/cards to change union representation. Under the rules of both the National Labor Relations Board (NLRB) (private sector), and the Public Employment Relations Board (PERB) (public sector), a minimum of thirty percent of the employees must sign.

Decertification Election – A secret ballot held after the filing of the decertification petitions/cards to determine if the employees in a bargaining unit wish to keep the existing union, change unions or have no union at all.

“Deinstitutionalization” – The policy of moving mentally ill or developmentally disabled patients from institutions into small community residences. The policy is generally discredited because of inadequate planning and funding. Many clients end up on the streets. This policy is also called “dumping”.

Delegate Body (CSEA) – Approximately 1,400 elected union members and officers who hold the power to transact CSEA business annually, between the dates of September 15 – November 15, but may also be called into special session.

Demand Sheet – A form on which union members write the items they want in a contract prior to the start of negotiations.

Demonstration – To show the strength and commitment of union members and to educate the public on important issues, union members may hold a meeting or gather together. They usually carry signs with messages. (See the definition for Informational Picketing)

Demotion – The voluntary or involuntary placement of an employee in a position of a lower salary grade.

Departmental Examination – A promotion examination open only to employees of the department in which the positions to be filled exist.

Desk Audit – A review and discussion of the duties and responsibilities of a position conducted at the employee's desk or other regular place of work. This is usually done in connection with a classification survey or discussion.

Disabled Individual (Person With a Disability) – Any person who:

- 1) Has a physical or mental impairment that substantially limits one or more major life activity
- 2) Has a record of such impairment
- 3) Is regarded as having such an impairment

(See the definition for Protected Class)

Disabled Veteran – A veteran who is certified by the United States Veterans' Administration or a military department as entitled to receive disability payments for a disability incurred in the time of war which is rated at ten percent or more.

Disciplinary – A charge made by management, against an employee, alleging misconduct or incompetence.

Disciplinary Proceedings – Due process procedures that are followed upon charges of incompetence or misconduct as outlined in Civil Service law, other state law, in a negotiated agreement, or in accordance with protections in the State or Federal Constitutions.

Discrimination (Employment) – Intentional or unintentional differential treatment of individuals on the basis of race, color, religion, national origin, sex, sexual orientation, disability, marital status, age or a previous arrest or criminal charge that did not result in conviction, which adversely affects their employment and promotion opportunities, retention in service or work atmosphere.

DMNA – Division of Military and Naval Affairs (DMNA) is a CSEA represented bargaining unit that includes civilian employees of the state's 37,000 member military. Includes occupational groups such as administrative, building maintenance, clerical, fire-fighting, scientific, skilled trades and security.

DOSH 900 – A log of workplace injuries resulting in lost time, change of duties, medical attention or loss of consciousness. The employer is responsible for keeping the DOSH 900 up to date and it must be posted at the work place each February.

Dues Deduction – The obligation or practice of the employer to deduct from the salary of an employee who is a union member and with the employee’s consent, an amount for payment of union membership fee.

Duration of Contract or Agreement – The length of time during which the terms and conditions of a negotiated agreement remain in effect.

Duty of Fair Representation – A principle developed over the years through a series of United States Supreme Court decisions that obliges unions and their representatives to treat all bargaining unit members, non-members and agency shop fee payers “in a fair and equitable manner.”

Duty to Negotiate in Good Faith – The requirement of “good faith bargaining” obligates an employer and employee organization to come to the bargaining table with an open mind and sincere desire to reach an agreement.

E

Earmark – A term used when a position has been designated for restudy when vacant. The Division of Classification, the Division of the Budget and the Civil Service Commission may place earmarks on positions. Earmarked positions may not be refilled until the earmark is removed.

Economic Strike – Work stoppage caused by a dispute over wages, hours and other terms and conditions of employment. Usage is generally limited to the private sector.

Eligible – A candidate who has passed an examination, whose name is on an eligible list and who may be appointed when reachable on the list.

Eligible List – A list from which candidates for a competitive title, ranked in order of their respective final examination ratings, may be appointed.

Employee Assistance Program (EAP) – Employee Assistance Program (EAP) is a confidential referral service, which provides help to employees whose personal problems may be adversely affecting their on-the-job performance. Ideally, EAP is a cooperative labor/management venture.

Employee Benefit Fund (EBF) – The CSEA Employee Benefit Fund (EBF) administers dental, prescription drug and vision-care programs for state employees. Local governments may also contract its services. Trustees consisting of CSEA members manage the fund. Accumulated surpluses are used to improve benefits.

Employee Organization – A union representing employees that has its own primary purpose collective bargaining for the terms and conditions of their employment.

Employee Organization Leave (EOL) – Employee Organization Leave (EOL) is often negotiated into collective bargaining agreements (contracts). It allows representatives to engage union business during regular work hours without having to charge time to leave credits.

Equal Employment Opportunity – The basing of all employment decisions solely on the merit and fitness of applicants without regard to race, color, religion, sex, age, etc. and the assurance of equal treatment of all.

Equal Employment Opportunity Commission (EEOC) – The Federal Government agency established to administer the provisions of Title VII of the Civil Rights Act of 1964, as amended. EEOC deals with charges of discrimination.

ERISA – Employee Retirement Income Security Act of 1974 (ERISA) regulates private pensions. It also ensures that employees covered under pension plans receive the benefits promised.

Examination – A formal selection process that includes minimum qualifications, tests, employment interviews and probationary periods. It is used to evaluate the qualifications and suitability of candidates for public employment. An examination for a competitive class position ranks candidates against each other. An examination for a non-competitive class position constitutes the assessment of a candidate's background and credentials against the established minimum qualifications.

Examination Announcement – A document issued to inform potential applicants of an upcoming examination. The announcement contains, but is not limited to the following information: the number and title of the examination, the date of the examination, filing information, minimum qualifications, type and scope of test(s), and salary or salary grade. It may also contain vacancy information and a duties description.

Examiner – Individuals whose expert opinions are used in rating a candidate.

Exclusive Bargaining Agent – The union officially recognized as the sole agent representing the interests of all employees, both members and non-members, in a bargaining unit.

Exempt Class – Civil Service positions for which the candidates are not chosen on the basis of a competitive examination. Such titles include; Deputy Commissioner and special assistant, positions that involve policy influencing duties, have sensitive program responsibilities or require such a confidential relationship with the appointing officer that the officer must have a maximum discretion to hire and fire the incumbent. These positions are often referred to as Management/Confidential (M/C) positions.

Executive Board – The Executive Board is made up of the elected officers, as defined by the appropriate Constitution (Statewide, Region, Local or Unit), and the applicable by-laws of that body. This board sets the policy and priorities of their corresponding body and has the responsibility of providing service and representation to the members who elect them.

Experience Rating – A system of basing insurance premiums on the employer’s record of their employees’ use of health insurance programs.

Evaluation (Performance) – A process used by supervisors to rate their employees on the basis of the agreed upon performance objectives of the job. The evaluation may be used for counseling and as a basis for additional compensation.

F

Fact-finding – The second stage of the impasse procedure under the Taylor Law. If a mediator cannot get the parties to reach a tentative agreement on a contract, PERB assigns a fact-finder. The fact-finder listens to both parties justify their positions on the unresolved issues and writes a non-binding award that may be rejected in part or in whole by either union or management. (See the definition for Mediation and Legislative Hearing)

Fair Labor Standards (1938) (FLSA) – Fair Labor Standards Act (FLSA) sets the minimum wage, as well as overtime-pay standards, for the majority of public and private sector employees. It also restricts child labor.

Family and Medical Leave Act (1993) (FMLA) – FMLA is generally unpaid leave granted to qualified employees, of qualified employers, for the birth or adoption of a child or for the serious illness of an immediate family member or of the employee.

Field Audit – See the definition for Desk Audit.

Field Competition – All individuals who meet the minimum qualifications to compete in an examination.

Field Representative – See the definition for Labor Relations Specialist.

Final and Binding Arbitration – See the definition for Arbitration.

Firing – This occurs when an employer terminates an employee for disciplinary reasons. Certain employees cannot be terminated without notice of charges and a hearing.

Fiscal Year – A consistent yearly period, without regard to the calendar year, at the end of which a government, business, or organization determines its financial position. The following are the fiscal years that most government entities use:

Counties	- January 1 – December 31
Cities	- January 1 – December 31
Towns	- January 1 – December 31
Villages	- June 1 – May 31
School Dist.	- July 1 – June 30
Fire Dist.	- January 1 – December 31

Flex Time – A work schedule that allows employees to vary their arrival and departure times but does not change the number of hours they must work.

Free Rider – A worker who refuses to join a union but enjoys the benefits won under the contract because other employees pay union dues and support their union.

Freedom of Information Law (FOIL) – A New York State Law that reaffirms a citizen’s right to know how his/her state and/or local governments operate. The law provides rights of access to most government records.

Fringe Benefits – This generally describes items, other than wages, won for employees as the result of contract negotiations (i.e., vacations, holidays, medical benefits, insurance and pensions).

Full Time Equivalent (FTE) – This is a term used to equate the service of an employee or the total number of employees to a full time position (i.e., an employee who works 50 percent of the time would be counted as ½ a FTE position; two part-time employees who each work 50 percent of the time would be counted as 1 FTE position).

G

General Duty Clause – The clause in the PESH Act that requires employers to provide a safe and healthy workplace. A General Duty Citation is when PESH cites an employer for a hazard that is not covered by an OSHA standard.

Geographic Differential – A percentage or fixed dollar adjustment to the hiring rate or job rate, for a particular class in one or more areas of the state, which is authorized by the State Director of Classification and Compensation and is subject to approval by the Division of Budget. This enables the State to pay salaries that are competitive in the local labor market in order to attract and retain competent personnel.

Goals – Good faith, quantitative employment objectives, which employers voluntarily set as the minimum progress they can make, within a certain time period, to correct the underutilization of protected classes in their work force through all-out efforts as outreach, recruitment, validation of selection instruments, creation of trainee positions, establishment of career ladders, etc.

GOER – The Governor’s Office of Employee Relations (GOER) represents the State in contract negotiations with all State bargaining units. GOER also assists state agencies in administering contracts and is recognized by the New York State Public Employment Relations Board as the “public employer” in matters relating to state employees.

Good Faith Bargaining – The mutual obligation during collective bargaining to meet at reasonable times, with open minds, to reach an agreement or a contract.

Grievance – An employee complaint/allegation filed by either an employee or a union that the employer has violated the collective bargaining agreement (contract) or a dispute that the parties agree will be resolved through the grievance procedure.

Grievance Procedure – A system spelled out in collective bargaining agreements to process grievances. Most procedures have three steps:

- 1) Immediate supervisor
- 2) Department head
- 3) Arbitration.

Note: CSEA/State contracts have four steps:

- 1) Immediate supervisor
- 2) Department head
- 3) GOER/Triage
- 4) Arbitration.

Grievance Representative – The union member assigned to investigate and process grievances.

Grievant – The individual who files a grievance.

H

HAZ COM – The OSHA Hazard Communication Standard that requires employers to maintain Material Safety Data Sheets (MSDS) and labels on all hazardous substances in the workplace. HAZ COM also requires the employer to have a written program concerning hazardous materials and conduct worker training in the use of such materials.

Hearing Officer – See the definition for Administrative Law Judge.

Herkimer – A case decided by the Public Employment Relations Board (PERB), which established that PERB would defer jurisdiction over an improper practice charge until the collective bargaining grievance procedure was exhausted and it was clear that the dispute should be heard by PERB.

Hiring Rate – The entry-level salary for each specific Civil Service grade.

Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race. (See the definition for Protected Class)

Holiday Pay – Additional compensation for time worked by an employee during regularly scheduled work hours on a date observed as a holiday by the state.

HRI – The Health Research Institute (HRI) is an administrative agency that channels federal funds to health-related research projects. HRI has two divisions. The Buffalo division specializes in cancer studies. The Albany division conducts other studies and serves as administrative headquarters. CSEA represents various occupational groups, including physicians, scientists and researchers, as well as clerical and maintenance personnel. These employees are not subject to either Civil Service regulations or the

Public Employees Fair Employment Act (the Taylor Law) but they are members of the State Employees Retirement Systems.

I

Imminent Danger – A situation where workers are exposed to a hazard that is likely to cause death or serious injury (i.e., entering a manhole without testing the air inside prior to entry or working in a deep ditch that has not been prepared to prevent cave ins). Imminent danger hazards may be called into the nearest PESH office for an immediate inspection.

Impact Bargaining – A government is permitted to make changes in the nature and quality of services that it provides to its constituency without bargaining with its employees. However, if the changes have an impact upon the terms and conditions of the employment of their employees, the government must negotiate with the union representing them if the union demands negotiations to relieve the impact of the unilateral change (i.e., a government can decide to keep an office open on Sundays for the convenience of its constituency but the union is then entitled to bargain for additional compensation for employees who must work on Sundays).

Impact Negotiations – See the definition for Impact Bargaining.

Impasse – A stage in contract negotiations when management and union representatives are deadlocked and cannot reach an agreement. At this point, the union and/or management can request the assistance of a mediator from PERB that works with the parties to reach an agreement.

Improper Practice (IP) – An Improper Practice (IP) is defined by Section 209 (a) of the Taylor Law. It prohibits unilateral changes in terms and conditions of employment that are mandatory subjects of negotiation. It requires bargaining in good faith, forbids interference, domination or discrimination against workers in exercising their union rights. An IP is filed with and heard by the Public Employment Relations Board (PERB).

Incompetency – A lack of knowledge, ability or fitness as required for position or duties.

Increments – Annual increases of salary by a fixed amount. Public sector salary schedules often contain increments.

Inconvenience Pay – Additional compensation paid to employees, other than part-time or seasonal employees, who regularly work a tour of duty that includes four or more hours, between the hours of 6:00 p.m. and 6:00 a.m., excluding any hours for which overtime is paid. Such payments have been the subject of collective negotiations.

Increase Minimum – An increased hiring salary rate used to recruit personnel for hard-to-fill positions or when the training and experience of an appointee substantially exceed the minimum qualifications.

Incumbent – An employee currently serving in or is on leave from a position. A permanent employee on leave from a position is said to encumber a position.

Independent – A union not affiliated with AFL-CIO.

Industrial Board of Appeals (IBA) – IBA is an administrative body that settles disputes between the New York State Department of Labor (Commissioner) and an employer or union.

Industrial Code Rule 56 – Regulations from the New York State Department of Labor pertaining to the training, examination and certification of workers required to disturb asbestos and the training, examination and licensing of their employers.

Informational Picketing – Picketing to advise the public of the union’s position on issue(s). Picketers carry signs and placards at a particular location. Signs may indicate, among other things, the failure by the employer to bargain in good faith or to meet the union’s demands.

Injunction – A court order to cease an activity, usually on the grounds that it will cause irreparable harm. There are two types of injunctions:

- 1) Temporary Restraining Order (TRO) – issued for a limited time
- 2) Permanent – in effect until circumstances change

Institutional Services Unit (ISU) – The Institutional Services Unit (ISU) is a CSEA-represented New York State bargaining unit that includes occupational groups involved in direct care facilities generally found in the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities, the Division for Youth and the Department of Health. It also includes support titles (i.e., kitchen workers, food service workers, cooks, barbers, beauticians, and licensed practical nurses) and some titles in the Department of Corrections (i.e., industrial training and store clerks).

Insubordination – Disobedience toward a supervisor; the refusal to obey a reasonable directive that a superior is entitled to give and have obeyed.

Interdepartmental Examination – A promotion examination open to eligible employees of all agencies.

International – A union claiming jurisdiction within and outside of the United States; loosely applied to all national unions.

Interrogation – The questioning by management of an employee who, at the time, appears to be a potential target of disciplinary action. Interrogation also refers to the questioning of an employee regarding his/her own conduct or his/her knowledge of another employee’s conduct where refusal to answer questions may result in being charged with insubordination.

Investigation –

- 1) An evaluation to determine whether candidates who have admitted derogatory information should be disqualified for employment

- 2) The verification of credentials submitted by candidates for employment
- 3) A process undertaken by a facility to learn the facts regarding an incident or allegations involving the facility and/or employees

J

Job Analysis – The systematic study of a job to provide information that will enable those planning examinations to determine the knowledge, skills and abilities required for successful performance on the job; a detailed statement of work behaviors and other information relevant to the job.

Job Audit – See the definition for Desk Audit.

Job Category – A grouping of job classifications for the purposes of analysis or official reporting (i.e., officials and administrators, clerical/secretarial, etc.).

Job Classification – The title given to a position or group of positions by a Civil Service Commission.

Job Description – A written statement describing the elements of a particular job or occupation including its purpose, duties, qualifications, training and other information.

Job Posting – A bulletin board announcement of job opening(s) for which qualified employees may bid. Many union contracts require that all openings be posted and that the “senior most qualified employee” be appointed to the position.

Job Rate – Under Civil Service Law, it is the highest salary paid for each specific Civil Service grade. An employee advances from the hiring rate to the job rate via annual increments.

Judicial Board – This body, comprised of eight members selected by a process outlined in CSEA’s Statewide Constitution, have the authority to hear, investigate, determine and promulgate procedures concerning:

- 1) Complaints and charges against members
- 2) Trusteeships
- 3) Whether elected or appointed public officials who are members of CSEA are deemed to have a conflict of interest.

If the Judicial Board finds reason to sustain the charges they also have the authority to impose penalties ranging from formal reprimand to expulsion from membership.

Job Sharing – Dividing a full-time position so that two or more incumbents’ combined hours equal a maximum of one full-time equivalent position.

Jurisdiction – Among unions it is the right or claim to represent certain workers.

Jurisdictional Dispute – A conflict between two or more unions over the right to represent certain workers. AFL-CIO usually resolves this through an Article XX hearing. (See the definition for Article XX and Article XXI of the AFL-CIO Constitution)

L

Labor Class – Civil Service positions involving unskilled or manual labor for which there are no minimum qualifications. However, applicants may be required to demonstrate their ability to do the job.

Labor Department of New York State – The agency that enforces the State Labor Law, including but not limited to the protection of health and safety, administration of unemployment insurance, workers' compensation and disability payments, and enforcement of the Fair Labor Standards Act of 1939.

Labor/Management Committee – A group of employees/union members and supervisors/managers who meet periodically to identify and resolve issues of shared interest. It provides an informational framework to promote communications and problem solving.

Labor Relations Specialist (LRS) – A staff person assigned to administer collective bargaining agreements, to identify employer violations of laws and rules and represents membership regarding other terms and conditions of employment.

Lag Payroll – The withholding or deferral of part or all of an employee's paycheck(s) until a future date when such money(ies) are returned to the employee.

Landrum-Griffin Act – A Federal Law (1959), which contains a bill of rights for union members that guarantees them the right to meet with other members, express their views on union business and have a fair trial in matters of internal discipline. It also sets conditions for holding union elections and regulations concerning trusteeships and defines fiduciary obligations of union officers.

Lateral Transfer – See the definition for Transfer, Regular.

Layoff – This occurs when an employer terminates an employee for economic reasons, such as budget cutbacks.

Layoff Unit – The established grouping of employees that is used to determine which employees are demoted or terminated, based on their seniority in the unit, when a layoff is necessary. For state employees, units may represent an entire agency or separate institutions of facilities within a geographic area. Layoffs trigger a complex chain of events to assure an orderly process that protects employee rights. (See the definition for Bumping and Preferred List)

LEAP – Labor Education Action Program (LEAP) is administered by CSEA, utilizing negotiated funds, sponsors career-related courses for state employees in four CSEA-represented bargaining units and several state agencies.

Leave of Absence – A consideration granted to employees, which provides them with the right to return to a position in their former title within a specified period of time. Leaves are granted for such things as probationary service upon promotion or transfer, military service and child bearing/rearing. Depending upon the specific circumstances, leave may be mandatory or optional and with or without pay.

Legal Assistance Application Form – An internal CSEA form that is completed by a member of the CSEA Legal Committee to determine whether a request for legal assistance has sufficient merit to justify CSEA’s expenditure of union funds in support of the requested litigation.

Legislative Hearing – A hearing held by a legislative body as the final step of the Taylor Law impasse procedure. After the hearing, the public employer may, without consent of the union, impose a one-year settlement (technically not a contract since its unilateral) on a bargaining unit. This does not apply to school districts.

LMRDD – Labor-Management Reporting and Disclosure Act (LMRDD) – See the definition for the Landrum-Griffin Act.

Local – A basic union structure. CSEA, for example, includes:

- State locals (CSEA members in a specific facility, agency or department)
- Local government locals (CSEA members in a specific county)
- Retiree locals
- School district locals (CSEA members working for school districts in more populous counties)
- Private sector locals

Each local elects a president, vice president, secretary and treasurer. (See the definition for Units)

Local 1000 – CSEA is also known as AFSCME Local 1000. (See the definition for AFSCME)

Local Constitution – The governing document for locals within CSEA. The Board of Directors may amend the Local Constitution periodically upon the recommendation of the Standing Constitution and By-Laws committee. There are currently 386 locals in CSEA.

Local Government – City, county or other governing body at a level smaller than a state.

Location Pay – Additional compensation added to the base salaries of all employees serving in certain high cost-of-living geographic areas. Such payments have been the subject of collective negotiations.

Lockout – Employer shuts down during a labor dispute to force a settlement.

Long Island Region (CSEA Region I) – One of the union’s six geographic subdivisions; has its own officers, constitution and by-laws, committees and budgets.

Longevity Payment – Additional compensation, based upon years of service, as provided by a collective bargaining agreement.

Loudermill – A United States Supreme Court case that established due process must be given to a public employee, who has a protected property right, before the employee is suspended or terminated. Due process includes notice of charges/allegation and a meaningful opportunity to be heard.

M

Management/Confidential (M/C) – An M/C employee is barred from union representation because of access to personnel records or other information pertinent to labor relations. In the public sector, only PERB can declare that an employee is managerial or confidential (Section 201 of the Taylor Law). In the private sector, NLRB makes the determination.

Mandate – A command, order or direction, written or oral that a person is bound to obey.

Mandatory Subject of Negotiations – An item in collective bargaining that must be negotiated if submitted by either employer or union as a proposal (i.e., wages, fringe benefits, hours of work, grievance procedures).

Manifest Error – An error or group of errors, which occurs during the development, administration or scoring of a test that can be demonstrated to have resulted in the unfair or inequitable treatment of a candidate or group of candidates.

Mediation – Used in collective bargaining. It is the first stage of an impasse procedure under the Taylor Law. The mediator, assigned by PERB, works with the employer and the union team in an attempt to reach a voluntary resolution of their differences.

Memorandum of Agreement – A written statement of the agreements reached by the negotiators for union and management, which is initialed by them but is not yet ratified by the parties. Upon ratification, it becomes a legally binding collective bargaining agreement.

Merit and Fitness – A phrase summarizing the requirement in the State Constitution that appointments and promotions shall be made according to merit and fitness to be ascertained, as far as practicable, by competitive examination. Civil Service is hence called a “merit system”.

Metropolitan Region (CSEA Region II) – One of the union’s six geographic subdivisions; has its own officers, constitution and by-laws, committees and budgets.

Military Leave – A leave of absence granted for ordered military service mandated by Sections 242 and 243 of the Military Law.

Minimum Competence – The lowest amount of knowledge, skill and/or ability that an individual must possess in order to perform a job satisfactorily.

Minimum Qualifications – Education and/or experience requirements denoting the minimum standards that all candidates are required to possess for examination or appointment.

Minority – This refers to ethnic groups, which are present in the population in smaller numbers than the majority group (White). For EEO reporting purposes, the term minority includes Blacks, Hispanics, Alaskan Natives or Native Americans and Asians or Pacific Islanders.

Misconduct – A forbidden act of unlawful behavior. Misconduct may constitute the reasonable discharge of an employee and render them ineligible for unemployment compensation.

Municipal Service Division (MSD) – A division of the Department of Civil Service that acts as a consultant to municipalities with regard to Civil Service Rules and Regulations. This division assists local Civil Service agencies in meeting their personnel related responsibilities under New York State Law.

Municipality – A legally incorporated or duly authorized association of the inhabitants, of a limited area, for local governmental or other public purposes. (See the definition for Local Government)

N

National Labor Relations Act (NLRA) – The National Labor Relations Act (NLRA), or Wagner act, became law in 1935. It guarantees workers the right to organize and bargain collectively. Jurisdiction includes:

- Industries involved in interstate commerce
- Hotels, private health care institutions, transit systems, taxicab companies, associations, law-firms
- Non-retail businesses with sales or purchases of at least \$50,000 annually
- Retail businesses with a minimum \$500,000 total annual volume
- Public utilities with at least \$250,000 total volume
- Newspapers with at least \$200,000 yearly business
- Radio, televisions and telephone companies with \$100,000 total annual business.

(See the definition for Taft-Hartley Act)

National Labor Relations Board (NLRB) – The National Labor Relations Board (NLRB) was created to administer the National Labor Relations Act. The NLRB consists of 5 members appointed by the President and confirmed by the United States Senate. Its

administrative structure includes a general counsel who supervises regional offices. Three regional offices service New York State. NLRB functions include:

- Conducting representation elections and certifying the results
- Deciding unfair labor practices.

Negotiating Committee (Team) – In CSEA, a negotiating committee is a group of union members who represent their co-workers at the bargaining table during contract negotiations.

Negotiating Unit – See the definition for Bargaining Unit.

Non-Competitive Class – Civil Service positions for which it is not practical to judge the merit and fitness of the candidates by competitive examination. The candidates must meet minimum qualifications.

Non-Mandatory Subject of Negotiation – This is an item in collective bargaining that may only be negotiated with the consent of the other party.

No-Raiding Agreement – Stipulations among other unions not to try and organize members already belonging to another union. Membership in the AFL-CIO automatically prohibits affiliate-unions from raiding each other. (See the definition for Article XX)

Non-Statutory (NS) – A position for which the salary is fixed, not by statute but by the Director of the Division of the Budget. All exempt jobs are NS, as are most competitive traineeships.

Notice of Discipline – A formal, written document of a charge or charges, in specific detail, of an employee's unacceptable actions or behaviors that require punitive measures leading to corrective/change of these actions or behaviors.

Notice of Violation and Order to Comply – An official notice sent to an employer from PESH, citing various OSHA standard violations, found during a PESH inspection. The notice must be posted near the area where the violation was found and the violation must be corrected by the abatement date on the notice.

O

Occupational Health Clinic – One of several health clinics throughout New York State that specializes in finding employment as the cause of various diseases and injuries.

Occupational Safety and Health Act (OSH Act) – The OSH Act gives the federal government the power to develop and enforce occupational safety and health standards for various private sector industries. It also requires that private employers comply with OSHA standards, submit to workplace inspections, maintain records and report occupational accidents/illnesses.

Occupational Safety and Health Administration (OSHA) – An agency within the United States Department of Labor that develops and enforces industrial occupational safety and health standards.

Office of Court Administration (OCA) – See the definition for Unified Court System.

Office of Mental Health (OMH) – The Office of Mental Health (OMH) is a state agency responsible for the prevention and detection of mental illness. It operates psychiatric centers that provide both in-patient and outpatient services to attend, treat and rehabilitate the mentally ill.

Office of Mental Retardation and Developmental Disabilities (OMRDD) – The Office of Mental Retardation and Developmental Disabilities (OMRDD) is a state agency responsible for taking care of the mentally retarded and physically disabled. It operates developmental centers and funds community-based facilities and services.

Open-Competitive Examination – An examination open to all qualified individuals both in and outside state service.

Open-End Examination – A type of open-competitive examination that is held a number of times to provide enough eligibles to fill existing vacancies. The names of eligibles from subsequent administrations of the examination are interfiled in score order on the existing eligible list. An open-ended examination is normally used to fill specialty titles where the candidate field is small. This method is designed to fill existing vacancies only.

Operational Services Unit (OSU) – The Operational Services Unit (OSU) is a CSEA-represented New York State bargaining unit that includes occupational groups involved in maintenance/repair activities, road/highway maintenance, highway/bridge repair and snow/ice removal.

Opinion and Award – See the definition for Arbitrator’s Award.

Oral Test – A formal portion of the selection process during which candidates and examiners communicate orally and candidates are rated against an objectively established set of standards. Oral tests can be qualifying (pass/fail) or weighted (scored).

Other Statutory (OS) – A position for which the salary is established by a statute other than Civil Service Law (i.e., commissioners and superintendents of correctional facilities).

Out-of-Title – This is the assignment of duties and responsibilities that are not included in an employee’s job description. Union contracts generally prohibit out-of-title work except during “temporary emergencies.”

P

Parenthetic – Following a common base title this is a descriptive designation in parentheses used to distinguish a specialty within a given field. An example of this is: Civil Engineer (Traffic).

Parity – A condition achieved when the sex and ethnic composition of an organization's work force is equal to that of the relevant qualified available work force. This is the ultimate goal of affirmative action.

Part-Time – The employment of individuals on less than a full-time basis.

Pass-Fail Test – See the definition for Qualifying Test.

Pass-Point – The minimum passing score on a test as determined by the Department of Civil Service. This is also called the cut-off point. It may not be set higher than a raw score of 70 percent.

Past Practice – An action that has occurred regularly over an extended period of time with the knowledge and consent of both labor and management.

Pay Equity – The concept of paying wages based strictly on the skill, effort and responsibility of the job. It is set in its working conditions and not on the gender of the person performing the job. (See the definition for Comparable Worth)

Payroll Deductions – The amounts withheld from employees' earnings by the employer for taxes, social security, union dues, group insurance premiums, etc.

Payroll and Personnel Transaction Form (pr-75) – The form used by state appointing authorities to effect such actions as appointments, separations, salary transactions, etc.; these forms are forwarded to the Department of Civil Service for approval and recording of transactions and then to the Department of Audit and Control for payroll processing.

PERB – See the definition for Public Employees Relation Board.

Prerating Review – A part of the examination review process, which provides candidates with an opportunity to make objections to tentative answer keys before the final rating key and to challenge the validity of the answers before the final rating key is developed. If a candidate successfully challenges a key answer, the scoring key will be changed for everyone. Candidates are provided with the test questions and the tentative key answers but not their own answers.

Performance Assessment – A type of promotion examination in which an employee's performance in his/her current job is rated and used to establish an eligible list for the promotion title.

Performance Evaluation – See the definition for Evaluation.

Performance Test – A test that requires candidates to demonstrate the skill to be measured (i.e., operation of a machine, typing, taking dictation, repairing an engine or

assembling objects) under standardized conditions which permit the ranking of candidates on a scale.

Permanent Appointment – An appointment to a Civil Service position, which provides rights and privileges, such as due process for dismissal, eligibility for promotions, transfers, future reinstatement and protection in the event of a layoff. Permanent appointments may require the individual to serve a probationary period during which their performance on the job is assessed.

Personal History Folder – The location of all documentation relating to an employee's employment, pay, benefits and performance history with the organization.

PESH Complaint – A written complaint to the PESH Bureau of a workplace hazard. Such a complaint will initiate a PESH inspection of the work area, giving rise to the complaint. Hazards exposing the workers to the imminent danger of death or serious injury may be brought to the attention of the PESH Bureau via telephone.

Picketing – See the definition for Demonstration.

Placement Roster – A list of employees scheduled to be affected by a layoff. A placement roster must be used to fill vacancies before promotion or open-competitive eligible lists. Employees are not ranked on a placement roster and all are equally reachable for appointment.

Policy Influencing (Managerial/Confidential) – A term used in the Taylor Law as a descriptive of managerial/confidential employees. It applies to employees who formulate policy, assist the employer directly in preparing for or conducting collective negotiations or play a major role, involving independent judgment, in administering labor agreements.

Policy Influencing (Non-Competitive Class) – Positions in the non-competitive class whose duties are of a confidential nature or require the performance of functions influencing policy. These positions are designed as policy influencing by the Civil Service Commission. Employees in positions so designated are denied tenure by statute and are not afforded the layoff protections provided to other non-competitive class employees.

Position – An assigned group of duties and responsibilities that can be performed by one person. A position may be occupied or vacant. This is commonly known as a “job.”

Post Modification of Abatement (PMA) – An agreement with PESH that allows an employer, who was cited for an OSHA standard violation, to take more time to abate the violation.

PR-50 – A term derived from an obsolete payroll transaction form and is now used to describe a process, which under certain conditions, a budgeted position may be filled at a lower level in the same occupational field. Currently it is most frequently used to establish “trainee” positions.

Preferred List – An eligible list is established as a result of a reduction in force, or where otherwise provided by law, which consists of the names of displaced employees ranked by seniority. A preferred list must be used before any other means of filling a position (except certain special military lists). The top acceptor on a preferred list must be appointed or the position left vacant. (See the definition for Rule One)

Pretest – The administration of a test to a selected group prior to its general use as a selection device. The purpose is to evaluate and refine the test.

Privatization – See the definition for Contacting Out.

Probationary Employee – A trial period during which a newly appointed employee enjoys job protection.

Probationary Period – A period of time, commencing upon a permanent appointment, during which an employee's performance on the job is assessed. This is the final step in the selection process.

Programmed Inspection – A PESH inspection of a workplace when the inspector is assigned to do the inspection without a complaint being received to the PESH Bureau.

Promotion – Generally, in the competitive class, this is an appointment from a promotion eligible list to a higher-level position. In the non-competitive class, this is the appointment of an employee to a higher-grade position without a competitive examination.

Promotion Examination – An examination for a higher level position open only to permanent state employees that are currently serving in or who have served in qualifying titles for periods of time specified in the minimum qualifications.

Promotion Field – The employees who meet the minimum qualifications to compete in a promotion examination.

Promotion Unit – Subdivisions in state service designed and/or approved by the Department of Civil Service for the purpose of determining the order of certification of promotion eligible lists. Generally promotion unit lists are certified before the general portion of interdepartmental lists. Normally each agency is a separate promotion unit, however, an agency may have more than one promotion unit.

Protected Class – Groups identified as victims of past unlawful discrimination on the basis of race, color, sex, disability, religion or national origin who are therefore targeted for affirmative action initiatives to address their under representation in the work force. In New York State protected classes include Blacks, Hispanics, Alaskan Natives, American Indians, Asians or Pacific Islanders, women, disabled individuals and Vietnam era veterans.

Provisional Appointment – A non-permanent appointment to a competitive class position, which may be made when there is no appropriate or viable eligible list.

Public Employee Safety and Health Act (PESHA) – Article 27-a of New York State Department of Labor Law, which requires state and local governments to provide a safe and healthy workplace. Safety and health standards promulgated by OSHA are used to determine a safe and healthy workplace.

Public Employee Safety and Health (PESH) Bureau – The bureau within the Division of Occupational and Safety and Health of the New York State Department of Labor that is responsible for enforcing the PESH Act.

Public Employment Relations Board (PERB) – The New York State Public Employment Relations Board (PERB) was created under the Taylor Law as an independent, neutral agency to administer the Taylor Law. It administers the law within the framework of policies established by the New York State Legislature, resolves representation disputes, provides conciliation services, adjudicates improper practice charges, designates management/confidential employees, provides panels or lists of arbitrators, determines the culpability of employee organizations for striking, makes available statistical data, makes recommendations for changes in the law and operates an educational program.

Q

Qualifying Test – A test that is administered on a pass/fail basis. Resulting scores are not used to determine relative standings.

Quid Pro Quo – The mutual consideration between the parties to a contract that renders it valid and binding.

R

Raiding – This occurs when one union tries to organize members of another union thereby violating the other union's jurisdiction. (See the definition for Article XX)

Random Drug Testing – The arbitrary testing of employees for use of controlled or intoxicating substances without reasonable suspicion or probable cause.

Rank (Noun) – A candidate's relative standing on an examination or eligible list as compared to other candidates.

Rank (Verb) – The determination of the relative standing of a candidate as compared to other candidates.

Ratification (CSEA) – The process of submitting a tentative agreement to the general membership for approval. A contract is considered ratified if 50 percent of the votes cast, plus one, favor the tentative agreement.

Rating – This refers to the process of comparing a candidate's answers on a test to the approved answer key or scoring standard and determining the final score.

Raw Score – The score obtained by adding up the number of questions answered correctly or the number of points earned on a test. (See the definition for Conversion Formula)

Reachable – This refers to the status of a person on an eligible list, whose rank is such that he/she may legally be appointed (i.e., one of the top three scoring candidates willing to accept the appointment). Eligibles that have the same score are equally reachable.

Reallocate – To change the salary grade of a class with no change in title or status of incumbent.

Reasonable Accommodation – The changing of the environment, work schedule or position requirements to adapt to the known physical or mental limitations of a qualified disabled applicant or employee, or to an applicant's/employee's religion, where and to the extent that it is feasible to do so.

Reassignment – A change without further examination of an employee, from one position to another position, in the same title under the jurisdiction of the same appointing authority.

Rebuttal – The act of refuting the evidence and arguments.

Recency Factor – A technique used in training and experience evaluations that gives more credit to recently acquired training and/or experience. It is often used in fields such as electronics where recent developments make older techniques obsolete.

Reclassify – To effect a change in the title of an existing position based on a change in duties. Permanent incumbents of the former title do not automatically become permanent in the reclassified one. Instead they must qualify for such appointment by examination.

Recognition – A formal acknowledgement that a union has the right to represent a group of employees in a bargaining unit. Unions are either recognized by the employer or certified by an administrative agency such as PERB (public sector) or NLRB (private sector).

Recruitment – The process of reaching out to attract applicants who are qualified and available to fill positions. This refers to efforts that go beyond the general distribution of an examination announcement.

Reduction in Force (RIF) – Actions necessitated by budgetary restraints that result in the abolition of positions and the layoff of employees.

Regional Constitution – The governing document for the six Regions established to serve CSEA members. Upon the recommendation of the Standing Constitution and By-Laws Committee, the Board of Directors may amend the Regional Constitution periodically.

Reemployment Roster – This is an eligible list consisting of the names of laid-off employees that are established for titles to which the employees were eligible for transfer

(competitive class). Employees are not ranked on a reemployment roster and all are equally eligible for appointment. The reemployment roster is used after preferred lists but before open-competitive and promotional lists.

Reinstatement – The reappointment of an employee based on his/her former status following a leave without pay, layoff, termination because of a physical or mental disability or resignation. Reinstatement after resignation is at the discretion of the appointing authority if it is affected within one year of separation. A reinstatement following a separation greater than one year requires Civil Service Commission approval.

Related Line – See the definition for Collateral Line.

Relative Weight – The proportion of a candidate’s final score on an examination that is based on a single test comprising part of the examination (i.e., if an examination consists of a written and an oral test, both contributing equally to the final score, the relative weight of each test is one).

Relevant Workforce – All individuals in the labor market of a particular area who are qualified to perform a particular job.

Remedy – The part of the grievance in which the grievant or the union asks management to give back to the grievant what they have denied him/her. This is also known as “relief sought” or “make whole relief” (i.e., “employer shall stop violating the contract. Grievant shall be made whole by all monetary and non-monetary losses plus interest”).

Reopened – A provision in collective a bargaining agreement that allows specific item(s) to be reconsidered at a later time even while other contract items remain the same. Reopens often involve wages or health insurance benefits.

Representation Election – A secret ballot held to determine which union, if any, employees in a bargaining unit want to represent them.

Reprimand – To formally condemn the wrongful behavior or act of an employee.

Rescind – To cancel a contract or agreement based on the occurrence of certain kinds of default by the other contracting party.

Residency List – A primary eligible list on which candidates meet residency requirements established by local rule or contract.

Resignation – The formal act of giving up an appointment or position.

Resolution – A formal proposal made by an official body or public assembly that is adopted by a vote.

Restriction – An action taken to prevent the certification and/or appointment of an individual who has passed an examination but is not fully eligible for appointment pending completion of an investigation or the acquisition of necessary credentials

because of a medical limitation. A code is used on eligible lists and application rosters to denote the nature of the restriction.

Retention Rights – A protection provided to the employees affected by a layoff that allows them the possibility of displacing other employees with less protection rights within the same layoff unit.

Retreat – In a layoff situation this is the displacement of the last senior employee in a lower level title that the displacing employee last held on a permanent basis.

Retroactive Pay – Compensation made effective on an earlier date.

Right-to-Know (RTK) – The New York State Toxic Substance Act or RTK requires employers to notify and train workers in the use of toxic substances.

“Rule of One” – This refers to the strict seniority order that eligibles are appointed from a preferred list. The top acceptor on the list must be appointed or the position is left vacant. (See the definition for Preferred List)

“Rule of Three” – This refers to the statutory provision that appointments must be made from among the three highest ranking candidates on an open-competitive or promotion eligible list that are willing to accept the position. (See the definition for Reachable)

S

Salary Survey – A study of salaries paid by comparable employers for the same or similar work.

Scope – The subjects to be covered on a test.

Scope of Bargaining – A range of issues deemed appropriate for collective bargaining.

Scoring Key – See the definition for Answer Key.

Seasonal Position – A position where the nature of the service is such that it is not continuous throughout the year but recurs at the same time in each succeeding year.

Seasonal Reemployment List – An eligible list that is established at the end of the employment season for the filling of seasonal positions in subsequent employment seasons. The list is maintained by the appointing authority and consists of the names of seasonal employees in the order of the date of their original seasonal appointment (most senior first).

Selection Device – Any type of examination, test or process used for determining individuals’ suitability for employment.

Selection Process – Any measure, combination of measures or procedure used as a basis for an employment decision. This commonly consists of minimum qualifications, test(s), employment interviews and a probationary period.

Selective Certification – The process of certifying the names of certain people on an eligible list based on their possession of specific qualifying criteria (i.e., ability to speak Spanish).

Self-Insured Health Plan – A method of financing a benefit plan without insurance. The employer assumes direct financial responsibility for reimbursing all claim liabilities. Some self-funded employers purchase stop-loss insurance protection.

Seniority – An employee’s standing based on the length of service from the date of hire.

Seniority Credits – Points added to test scores based on seniority, granted to successful candidates on promotion examinations.

Sexual Discrimination – When a person is treated differently because of his/her gender and receives unequal treatment. Sexual discrimination can be challenged by a New York State Division of Human Rights complaint, an Equal Employment Opportunity Commission complaint or a lawsuit based on the federal and/or state laws prohibiting discrimination.

Sexual Harassment – This is a form of illegal sex discrimination. According to EEOC it is unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that:

- Either explicitly or implicitly is a term or condition of employment
- Where an employee’s rejection or submission to such conduct will affect his/her employment
- Such conduct creates an intimidating, hostile or offensive work environment or interferes with the employee’s work performance.

Shared Job – See the definition for Job Sharing.

Shift Differential – Payment of additional money(ies) to employees in a given occupation who are assigned to work other than the normal day shift.

Shop Steward – In CSEA this is a union member appointed by the local or unit president that works with other stewards to organize the workplace, educate the members about the union and leads the members in their leave credits due to a long-term catastrophic illness.

Showing of Interest – The filing of authorization cards that result in a representation election. Under NLRB and PERB a minimum of 30 percent of employees must sign the cards.

Sick Leave Bank – A program that allows employees to contribute leave credits to an account in order to provide income protection to employees who have exhausted their leave credits due to a long-term catastrophic illness.

Southern Region (CSEA Region III) – One of the union’s six geographic subdivisions; has its own officers, constitution and by-laws, committees and budgets.

Specification – See the definition for Class Specification.

Spoils System – This term was coined by Senator William L. Marcy, of New York, in 1832 from the phrase, “to the victors belong the spoils of the enemy,” to describe the long prevailing practice by the political parties of using the dispensation of public jobs to reward the party’s faithful. The practice made party loyalty rather than job competence the criterion for appointment. This practice has been replaced by the Civil Service reform called the “merit system.”

Spot Examination – An examination that is held to fill vacancies in a specific geographical area rather than on a statewide basis.

Status – The basis on which an employee holds his/her position (i.e., permanent, contingent permanent, provisional, temporary, etc.).

Stipulation of Settlement (also known as Stipulation of Agreement) – An agreement between the parties to a dispute, which are in litigation to a settlement of that dispute in lieu of further litigation. Such a settlement usually involves a compromise. Stipulations are also used during litigation when the parties agree upon the facts but disagree as to the legal consequence of those facts. The stipulation permits the arbitrator, adjudicatory agency or court to make a decision without the necessity of an evidentiary hearing.

Strike – A temporary work stoppage. In New York State, the Taylor Law (Section 210) forbids strikes by public employees and imposes harsh penalties on both strikers and their union.

Strikebreaker or Scab – A person who continues to work or who accepts employment while the workers at that facility are on strike. By working scabs often prolong or break the strike.

Subcontracting – The practice of an employer having work performed by an outside contractor and not by employees in the bargaining unit. (See the definition for Contracting-Out)

Subject Matter Expert (SME) – An individual whose knowledge enables him/her to make decisions concerning a job or subject area. SME’s may assist in job analysis, preparation of test questions, examination scoring and/or examination appeals.

Summary – A written statement of a candidate’s performance on an oral test that provides the examiners’ comments and scores for each rated factor.

Super-Conciliation – This is the third stage of an impasse in a school district. A super-conciliator assigned by PERB helps the parties to voluntarily reach a settlement.

T

Taft Hartley Act – The 1947 amendment to the National Labor Relations Act that expanded the definition of unfair labor practices by unions. It also:

- Prohibits the closed shop
- Allows government to seek injunctions preventing (for 80 days) strikes that imperil nations' health and welfare
- Prohibits use of union funds in national elections
- Requires unions to file financial statements with federal department of labor
- Allows state to pass right-to-work laws.

Task – An identifiable work activity that constitutes one of the parts or steps in the performance of a job or assignment. This is often viewed as having a single outcome or result.

Taylor Law – The Public Employees' Fair Employment Act, commonly called the Taylor Law, covers all public employees in New York State. It was enacted in 1967 by the State Legislature and is administered by the Public Employment Relations Board (PERB). It:

- Gives employees and bargaining agents (unions) the right to organize and negotiate collectively
- Requires public employers to negotiate and enter into written agreements with public employees and their unions
- Establishes impasse procedures for resolution of disputes or deadlocks that occur during the course of negotiations
- Prohibits strikes and other job actions by public employees and unions; and establishes penalties for striking
- Prohibits improper practices by public employers, employees and unions.

Temporary Appointment – A non-permanent appointment of limited duration that generally lasts less than six months, however, temporary appointments can last up to 18 months in duration.

Tentative Agreement – An agreement reached by the union and management negotiating terms that are presented to the union membership and to management for ratification. If ratified by both sides the tentative agreement, plus all unmodified sections of the old contract are combined to become the new contract.

Tentative Announcement – A confidential draft announcement of a forthcoming examination. The tentative announcement is circulated to the Civil Service Department and the agency staff that are involved in the examination development process for their review and approval.

Termination – A term used to describe an action taken by an appointing authority to removing an employee from his/her position. With certain exceptions permanent employees have due process rights by statute and/or negotiated agreements and can only be removed for cause.

Test – A device used to evaluate a candidate’s possession of knowledge, skills, abilities and/or other personal characteristics.

Tier I – The New York State Employee Retirement System Plan in effect for public employees who joined the system on or before June 30, 1973. Employees are not required to contribute toward retirement benefits and are eligible to retire at age 55 with full benefits. The vesting period is 10 years.

Tier II – The New York State Employee Retirement System Plan in effect for public employees who joined the system on or after July 1, 1973. Employees are not required to contribute toward retirement benefits and are eligible to retire at age 62 with full benefits or may retire at age 55 with reduced benefits. The vesting period is 10 years.

Tier III – The New York State Employee Retirement System Plan in effect for public employees who joined the system on or after July 26, 1976. Employees are required to contribute 3 percent of wages toward retirement benefits and are eligible to retire at age 62 with full benefits. The vesting period is 10 years. Employees may withdraw contributions, compounded with 5 percent interest, if they leave system before vesting.

Tier IV – The New York State Employee Retirement System Plan in effect for public employees who joined the system on or after September 1, 1983. Employees are required to contribute 3 percent of wages towards retirement benefits and are eligible to retire at age 63. The vesting period is 10 years. Employees may not withdraw contributions, compounded with 5 percent interest, until the age of 62 if they leave system before vesting.

Title VII – Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, makes discrimination on the basis of race, color, religion, sex or natural origin and unlawful employment practice in the private and public sectors.

Title – This is a “label” that is used to officially designate a class. It is a descriptive of the work performed and its relative level.

Title Structure Change – The redesignation of one or more classes to a new title that involves no significant change in duties or responsibilities.

Traineeship – A position that an individual is appointed to for a specified period of time to learn to do a job. After a prescribed period of time, if the traineeship is satisfactorily completed, the individual is advanced to the next higher-level position without further examination.

Training and Experience Evaluation (T&E) – An unassembled test that evaluates the relevant training and/or experience of candidates.

Transfer – The change, without further examination, of a permanent employee from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority, or to a position in a different title under the

same appointing authority. A transfer may only be made to a position at the same or similar salary grade.

Transfer, Administrative – A transfer between “administrative” positions pursuant to Section 52.6 of the Civil Service Law. “Administrative” positions include those in the areas of law, personnel, budgeting, methods and procedures, management, records analysis and administrative analysis.

Transfer, Non-Competitive Qualifying – A transfer to a different title. The individual must meet the minimum qualifications for the position and have passed an examination appropriate for the title (Section 70.4 of the Civil Service Law).

Transfer, Regular – A transfer between titles based on a determination by the Department of Civil Service that the titles have similar minimum qualifications and tests (Section 70.1 of the Civil Service Law).

Transition Examination – Examinations that provide an opportunity, which would not normally be available through a promotion examination, for employees to move into other occupational fields or across organizational levels (i.e., allowing clerical employees to compete for paraprofessional titles or for entry into professional traineeships).

Triborough Bill – The 1982 amendment to the Taylor Law that makes it an improper practice for an employer “to refuse to continue all the terms of an expired agreement until a new agreement is negotiated.”

U

Unanimous Decision – A decision whereby no one voted in the negative.

Unassembled Test – A test characterized by the candidates not having to be brought to a central location to compete (i.e., training and experience evaluation).

Unclassified Service – All of the officers and positions in the Civil Service of the State and its Civil Divisions not in the classified service. Such positions are not under the jurisdiction of the Department of Civil Service. An example of unclassified service positions include all elective offices, officers and employees of the State Legislature, offices filled by appointment by the Governor or Legislature, members of the teaching and supervisory staff of a school district and certain positions in the State University of New York.

Unfair Labor Practice (Private Sector Only) – It is defined under Section 8 of the Taft Hartley Act. It prohibits various activities including refusal to bargain in good faith, management interference in a union’s internal affairs and discrimination against workers exercising their union rights. The NLRB resolves unfair labor practices.

Unified Court System (UCS) – This includes the civil and trial courts in New State. CSEA represents employees who provide various support services: statewide, Dutchess, Orange and Putnam counties, the cities of Beacon, Gen Cove, Long Beach, Middletown, Mount Vernon, Newburgh, New Rochelle, Peekskill, Port Jervis, Poughkeepsie, Rye and

White Plains and in the Office of Court Administration (OCA), which supervises the system.

Unilateral Decision – A one-sided decision made by only one of two parties.

Union Activist – The lifeblood of CSEA and its most valuable asset. The volunteers who give their time, energy and expertise to serve on committees and as officers make it possible for the union to function.

Union Shop – A contract requirement that an employee become union member within 30 days of his/her date of hire. This is illegal for public employees in New York State.

Unit – Components of locals. CSEA, for example, has local government locals that include individual units of county, city, town, village, school district and library system members in a county. Units hold independent negotiations and have separate collective bargaining agreements (contracts). Each unit elects a president, vice president, secretary and treasurer. Unit presidents form a local's executive committee.

Example: City of Syracuse Unit of Onondaga
County CSEA Local 834

Unit Bargaining – CSEA's practice during statewide negotiations when a bargaining unit meets separately with New York State to reach agreements on issues specific to their community of interest. This is the stage prior to Coalition Bargaining.

Unit Clarification Petition – A petition filed by an already recognized labor organization to determine the appropriate unit for a newly created or substantially altered position.

Unit Constitution – The document that governs the subdivision of locals that are called units. The Board of Directors may periodically amend the Unit Constitution upon the recommendation of the Standing Constitution and By-Laws Committee. There are currently 1,149 units in CSEA.

Upgrading – See the definition for Reallocate.

V

Vacancy – A position that has no permanent incumbent and that may be filled on a permanent or other basis as appropriate.

Variance – An approved procedure or condition that will correct a hazard but still not comply with the affected OSHA standard.

Vertical Bumping – See the definition for Bump.

Veteran – A member of the armed forces of the United States who served therein during a time of war and who was honorably discharged or released under honorable circumstances from such service.

Veteran's Credits – Points authorized by the State Constitution added to passing examination scores of veterans who are New York State residents.

Vietnam Era Veteran – A veteran who served at any time between and including January 1, 1963 and May 7, 1975. See the definition for Protected Class.

Violation – The act of breaking, infringing or transgressing the law or contract.

W

Weighted Test – A test for which a candidates' scores in a particular subject are used in computing their final scores.

Weights – Numerical values which tests or subtests scores are multiplied before the parts are summed to compute the total score. Weights are assigned to reflect each part's contribution to the whole. See the definition for Relative Weight.

Western Region (CSEA Region VI) – One of the union's six geographic subdivisions; has its own officers, constitution and by-laws, committees and budgets.

Wildcat Strike – A work stoppage that is not sanctioned by a union.

Window Period – A 30-day period during which a union can be challenged as the exclusive bargaining agent. Under PERB, this occurs several months prior to a contract's expiration. It also automatically occurs 120 days after a contract expires when there is no successor agreement.

Worker's Compensation – An insurance program paid for by employers that provides cash benefits and medical care for workers who become disabled because of an injury or illness related to their job.

Workforce Analysis – A statistical analysis of the numbers and percentages of employees by race, sex and ethnic origin by job category and level for all employees of a specific employer.

Written Test – A test of knowledge and/or abilities in which questions are administered in a written form that requires candidates to respond by recording their answers in a written or otherwise readable format.

Z

Zone Scoring – A scoring technique that groups raw scores into a limited number of ranges which all candidates are treated as tied and assigned the same final score. Hence deemed equally reachable for appointment. Zone Scoring is used when the differences within a range do not predict the differences in performance. This is also known as block, band or category scoring.

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Local 1000 AFSCME, AFL-CIO

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