#### DHS HUMAN RESOURCES MANAGEMENT SYSTEMS GLOSSARY

ABSENCE WITHOUT LEAVE (AWOL)

Absence without prior approval, and therefore without pay, that may be a basis for disciplinary action.

ACROSS-THE-BOARD INCREASE

An equal flat rate (dollars and cents) or percentage increase in salary given to every eligible employee. Also known as a general increase.

ADMINISTRATIVE PROCEDURE ACT (APA) The Administrative Procedure Act is a statute that establishes rules and standards for Federal administrative agencies that engage in rulemaking and adjudications. It also sets requirements for all Federal agencies that issue and enforce regulations.

**ADVERSE ACTION** 

This term is generally used to refer to certain personnel actions which under current law, cannot be taken without first providing due process procedures. In most cases such actions are taken based on misconduct or unacceptable performance. Examples of such actions are: suspension without pay, reduction in grade or pay, and removal.

AGENCY HEAD REVIEW

Requirement that collective bargaining agreements be reviewed for legal sufficiency by the head of the agency. This must be accomplished within 30 days from the date the agreement is executed.

**AGENCY SHOP** 

Requirement that all employees in a bargaining unit pay dues or fees to the union to defray the costs of providing representation.

AGREEMENT, NEGOTIATED An agreement between union and management that can take many forms, e.g., contracts, term or collective bargaining agreements, midterm agreements, memoranda of understanding, supplemental agreements, oral agreements, side agreements, and past practices.

ALTERNATIVE DISPUTE RESOLUTION (ADR) A term applied to a varied array of techniques for resolving disputes without formal litigation. ADR can be as simple as a settlement agreement negotiated directly between the two parties, or as involved as binding arbitration. There are many other approaches, including: mediation; neutral factfinding; facilitated problem solving; ombudsman investigation; and interest based negotiation, among others. Most techniques stress cooperative examination of underlying facts, issues, and interests, and avoidance of rigid adversarial positions.

APPROPRIATE UNIT

As determined by the FLRA, a unit is appropriate when it will ensure a clear and identifiable community of interest among employees in the unit and will promote effective dealings with the agency and efficiency of agency operations.

# ARBITRATION ARBITRATION

An arbitrator is an impartial third party to whom union and management agree to refer their disputes for binding resolution. Arbitration is the process used to resolve labor-management disputes through referral of the matter to an impartial third party (arbitrator).

#### AWARD

Something given (e.g., cash or a certificate) or an action taken (e.g., granting time off with pay or holding a ceremony) to provide an incentive or recognition for individual or group achievements that contribute to meeting organizational goals or improving the efficiency, effectiveness, or economy of the Government. Examples of specific types of awards include: honorary award, informal recognition, time off award, performance award, special act or service award, on-the-spot award, group incentive, suggestion award, referral bonus, and travel savings incentive.

# BARGAINING UNIT/UNIT

A grouping of employees that a union represents or seeks to represent that is found to be appropriate for collective bargaining purposes. The FLRA oversees representation elections and determines the appropriateness of units.

### **BASE PAY**

The basic cash compensation that an employer pays for the work performed, typically expressed as an annual salary. Also referred to as basic pay, which generally means an employee's regular and recurring base pay excluding irregular payments such as overtime pay. In some contexts, "basic pay" has different definitions for different purposes. When pay is used as the basis for computing another payment or benefit, it is basic pay for that purpose.

### BROADBANDING

A salary structure divided into fewer, broader pay ranges than traditional grades. Also commonly called Paybanding.

### **BYPASS**

When management deals directly with unit employees rather than with the union regarding negotiable conditions of employment. A bypass is an unfair labor practice.

### **CHAPTER 71**

The Federal Service Labor-Management Relations Statute (FSLMRS) found at 5 USC § 7101 - 7135 which governs Federal sector labor-management relations.

#### **CLASSIFICATION**

A hierarchical structure of jobs, usually arranged into classes or pay grades according to some form of job evaluation. Also the term generally used to describe the Federal Government's job evaluation system.

### COLLECTIVE BARGAINING/ NEGOTIATING

The process of offer and counteroffer between union and management whereby the parties attempt to reach agreement over conditions of employment affecting the bargaining unit. This process may include the execution of a written document representing the terms of agreement reached between union and management.

#### COMPELLING NEED

A requirement that a discretionary agency regulation that doesn't involve the exercise of a management right must meet in order to be a valid limitation on the scope of bargaining.

#### COMPENSATION

Generally, all forms of financial returns and services employees receive as part of an employment relationship. Historically the term included benefits such as insurance and retirement income plans like annuities. More commonly today, practitioners refer to benefits design and administration separately and use "compensation" to denote only the various forms of pay, including equity pay, the employer may offer as part of a broader strategic or total rewards design.

# CONDITIONS OF EMPLOYMENT

Personnel policies, practices, and matters, whether established by rule, regulation, or otherwise [e.g., by custom or practice], affecting working conditions. Exclusions include matters that are specifically provided for by Federal statute.

# CONFIDENTIAL EMPLOYEE

An employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations. Confidential employees are excluded from bargaining units.

# DUES/ALLOTMENTS/ SERVICE FEES/ REPRESENTATION FEES

Monies that unit employees pay to unions for services. Agencies provide dues withholding services for unions free of charge via payroll deduction.

# DUTY OF FAIR REPRESENTATION

The responsibility of a labor organization to represent the interests of all employees in the unit without discrimination and without regard to labor organization membership.

#### **DUTY TO BARGAIN**

Generally, this refers to both (1) the circumstances under which there is a duty to engage in bargaining; and (2) the negotiability of specific proposals.

# ELECTION/ REPRESENTATION ELECTION

Secret ballot elections supervised or conducted by the FLRA to determine whether employees in an appropriate unit shall have a union as their exclusive representative. The FLRA will accord exclusive recognition to a labor organization if it has been selected as the representative by a majority of the employees in an appropriate unit who have cast valid ballots.

# EMPLOYMENT COST INDEX (ECI)

A number of statistical measures published quarterly by the Bureau of Labor Statistics to measure changes in specified non-Federal compensation. ECIs for different quarters are used to adjust the General Schedule and the Executive Schedule.

# EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

An independent agency charged with nationwide leadership in antidiscrimination efforts and enforcement of related laws. Included in its responsibilities is the adjudication of complaints of discrimination filed by Federal employees.

#### **EQUITY**

A general term denoting fairness and the means and criteria established to ensure fairness. Equity is properly distinguished from equality, which more often connotes uniformity.

### EXCEPTIONS TO ARBITRATION AWARDS

A claim by management or union that an arbitration award is deficient because it violates law, rule or regulation or for other reasons such as the award doesn't draw its essence from the agreement, the arbitrator didn't conduct a fair hearing, or the arbitrator exceeded his/her authority.

# **EXCLUSIVE RECOGNITION**

Exclusive recognition is normally obtained by a union as a result of receiving a majority of votes cast in a representation election. The rights a union is accorded as a result of being certified as the exclusive representative of the employees in a bargaining unit include, among other things, the right to negotiate, to be afforded an opportunity to be present at formal discussions, to free dues withholding arrangements and, at the request of the employee, to be present at Weingarten examinations.

# **EXCLUSIVE**REPRESENTATIVE

The union that is certified by the FLRA as the exclusive representative of a unit of employees either by virtue of having won a representation election or because it had been recognized as the exclusive representative before passage of the 1978 Civil Service Reform Act. It is an unfair labor practice for an agency to deal with other unions or organizations or special interest groups (or, for that matter, directly with unit employees) regarding the conditions of employment of unit employees.

#### **EXTERNAL EQUITY**

A fairness criterion that directs an employer to set pay levels based on comparisons with rates prevailing in external markets for an occupation.

### **INDIVIDUAL EQUITY**

A fairness criterion that provides a guideline for employers to set salary rates for individual employees (people in the same job, in the simplest case) according to individual variation in merit. Also sometimes referred to as contribution equity.

### **INTERNAL EQUITY**

A fairness criterion that directs an employer to set pay rates that correspond to each job's relative value to the organization.

# FEDERAL LABOR RELATIONS AUTHORITY (FLRA)

The independent agency responsible for administering the Federal labor relations program. The FLRA decides, among other things, representation issues (e.g., the bargaining unit status of certain employees), unfair labor practices (ULPs) (violations of Federal labor law), negotiability disputes (i.e., scope of bargaining issues), and exceptions to arbitration awards. The General Counsel of the FLRA processes representation issues (investigates, conducts hearings, holds elections, issues unit certifications, etc.) and investigates, resolves, settles and prosecutes ULPs.

# FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS)

An independent agency that provides mediators to assist labor and management in negotiations or in resolving labor disputes.

# FEDERAL SERVICE IMPASSES PANEL (FSIP)

Entity within FLRA that resolves bargaining impasses, chiefly by ordering the parties to adopt certain contractual provisions relating to the conditions of employment of unit employees.

#### FORMAL DISCUSSION

A formal discussion between one or more representatives of the agency and one or more employees in the unit or their representatives concerning any grievance or any personnel policy or practices or other general condition of employment.

Management must give the exclusive representative an opportunity to be represented at any formal discussion.

# GENERAL SCHEDULE (GS)

The classification and pay system for most white-collar employees in the Federal Government. The pay structure for the General Schedule has 15 grade levels, with 10 salary steps at each grade. Positions are classified using government-wide standards to determine their proper occupational series, title, and grade within the General Schedule.

# GOOD FAITH BARGAINING

The duty of labor and management to approach negotiations with a sincere resolve to reach a collective bargaining agreement, to be represented by properly authorized representatives who are prepared to discuss and negotiate on any condition of employment, to meet at reasonable times and places as frequently as may be necessary and to avoid unnecessary delays, and, in the case of the agency, to furnish upon request data necessary to negotiation. Violation of the duty to bargain in good faith is a ULP.

# GOVERNMENT-WIDE REGULATIONS

Regulations issued by a Federal agency bearing on conditions of employment that must be complied with by other Federal agencies. Such regulations are a major limitation on agency discretion and therefore on the scope of bargaining, which presupposes agency discretion. Agencies chiefly involved in issuing such regulations are the Office of Personnel Management (on personnel management) and the General Services Administration (on property management).

#### GRADE

In the General Schedule, each of the 15 grades represents a unique band of difficulty and responsibility and is defined in statute at 5 U.S.C. 5104. Grades are the same across different occupations, so that a GS-7 secretary, a GS-7 engineer, and a GS-7 photographer are in positions of equivalent difficulty and responsibility. Each of the 15 grades is defined in statute. In the General Schedule system, grade also is used to mean "level of work."

#### GRADE INTERVAL

"TWO-GRADE INTERVAL"

"ONE-GRADE INTERVAL"

The terms "two-grade interval" and "one-grade interval" refer to the differing patterns of career advancement through a sequence of General Schedule grades. The two basic patterns reflect a basic distinction between the two general kinds of white-collar work covered by the General Schedule. Two-grade interval work generally comprises jobs in the professional and administrative occupational categories, and promotions are granted in two-grade increments from grades GS-5 through 11 and in one-grade increments at GS-12 and beyond. One-grade interval work generally comprises jobs in the clerical and technical occupational categories, and promotions are granted in one-grade increments.

These two labels perform roughly the same function that "exempt" and "non-exempt" tend to have in the private sector as a short-hand way to distinguish higher level "professional" work and lower level clerical and technical work. The Fair Labor Standards Act (FLSA) did not apply to the Federal Government when the General Schedule was established. Therefore, the FLSA categories do not serve, in the Federal compensation environment, as a basic distinction upon which the pay structure is built.

#### GRIEVANCE

Any complaint (1) by an employee concerning any matter relating to the employment of the employee; (2) by any labor organization concerning any matter relating to the employment of any employee; or (3) by an employee, labor organization, or agency concerning (a) the effect or interpretation, or a claim of breach, of a collective bargaining agreement; or (b) any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

#### **IMPASSE**

When the parties have reached a deadlock in negotiations they are said to have reached an impasse in negotiations. Currently, when an impasse is reached, the parties must solicit assistance from the FMCS and the FSIP.

# I&I (IMPACT AND IMPLEMENTATION) BARGAINING

Even where the decision to change conditions of employment of unit employees is protected by management rights or is mandated by discovery that the practice is illegal, there is a duty to notify the union and, upon request, bargain on the procedures that management will follow in implementing its decision as well as on appropriate arrangements for employees expected to be adversely affected by the decision. I&I bargaining is the most common type of midterm bargaining.

### INFORMATION/ AGENCY INFORMATION

Data, to which the union, to the extent not prohibited by law, e.g., the Privacy Act, is entitled free of charge, for full and proper discussion, understanding, and negotiation of subjects within the scope of bargaining.

# LABOR ORGANIZATION

An organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an agency concerning grievances and conditions of employment.

### **JOB EVALUATION**

A formal process by which management determines the relative value to be placed on various jobs within an organization. The end result of job evaluation consists of an assignment of jobs to a hierarchy of grades or some other hierarchical index of job value. Job evaluation is most closely associated with the criterion of internal equity.

Job evaluation methods can focus on the position being evaluated, irrespective of any information about its market value, or determine the market price of that work among other employers, or some combination of these approaches. The General Schedule's job evaluation system relies on the first method in its position classification system.

#### **LOCALITY PAY**

Supplemental locality-based payments in addition to the rate of basic pay that apply in the 48 contiguous States in areas where non-Federal pay exceeds Federal pay by more than 5 percent. Most Federal employees – including General Schedule, Senior Executive Service, and senior-level employees, but excluding blue-collar employees and officials paid under the Executive Schedule – are eligible for locality pay.

A locality pay area is a geographic area that serves as the basis for setting pay and is established by the President's Pay Agent for General Schedule employees in the 48 contiguous States and Washington, DC. The Pay Agent has established 32 GS locality pay areas, including the "Rest of U.S." locality pay area.

### MANAGEMENT OFFICIAL

An individual who formulates, determines, or influences the policies of the agency and is excluded from being a member of a bargaining unit.

#### MANAGEMENT RIGHTS

Refers to types of discretion reserved to management officials and which are not subject to collective bargaining. Management rights include rights to determine the mission, budget, organization, number of employees, and internal security practices of the agency; to hire, assign, direct, layoff, and retain employees in the agency, or to suspend, remove, reduce in grade or pay, or take other disciplinary action against such employees; to assign work, to make determinations with respect to contracting out, and to determine the personnel by which agency operations shall be conducted; to make selections for appointments; and to take whatever actions may be necessary to carry out the agency mission during emergencies.

#### **MEDIATION**

Use of a third party, usually a neutral without authority to impose a settlement, to assist the parties in reaching agreement. While mediation techniques vary, one common practice involves the mediator meeting with the parties separately and confidentially to discuss interests. The mediator seeks to find areas of possible agreement that the parties are unable to see in direct, unmediated, negotiations.

# MEDIATION-ARBITRATION (MED-ARB)

A process in which a neutral with authority to impose (or to recommend the imposition of) a settlement, first resorts to mediation techniques in an attempt to get the parties to voluntarily agree on unsettled matters, but who can later impose a settlement if mediation fails.

# MERIT SYSTEMS PROTECTION BOARD (MSPB)

An independent agency that hears and decides Federal employee appeals of certain personnel actions placed under its jurisdiction by law or OPM regulation. The processing of a typical MSPB appeal involves an initial hearing at which evidence is presented by both the agency and the employee, followed by a written decision by an MSPB administrative judge in a regional office. Further review of this initial decision may be obtained by filing a petition for review with the three-member Board in Washington DC.

#### MIDTERM BARGAINING

Bargaining that takes place during the life of the contract as contrasted with term or contract bargaining. Midterm bargaining includes I&I bargaining and excludes matters that are already covered by the contract.

# NATIONAL CONSULTATION RIGHTS

The right of a union accorded such recognition to be consulted on agency-wide regulations before they are promulgated. National consultation rights are granted to a labor organization that is the exclusive representative of a substantial number of employees in the agency when no labor organization has been accorded exclusive recognition on an agency basis.

### NEGOTIABILITY DISPUTES

Disputes over whether a proposal is negotiable or nonnegotiable because (1) it is inconsistent with laws, rules, and regulations establishing conditions of employment; and/or (2) it interferes with the exercise of management rights.

# NEGOTIATED GRIEVANCE PROCEDURE

A systematic procedure, devised by union and management, by which a grievance moves from one level of authority to the next higher level until it is settled, withdrawn, or referred to arbitration. Term agreements must contain a grievance procedure terminating in final and binding arbitration. Apart from matters that must currently be excluded (such as grievances relating to retirement, health and life insurance and the classification of positions) the scope of the grievance procedure is to be negotiated.

# OFFICE OF PERSONNEL MANAGEMENT (OPM)

Federal agency that issues Government-wide regulations on personnel matters.

### OFFICIAL TIME

Paid time for employees serving as union representatives while in duty status. Official time must be granted for certain activities such as time spent in negotiations but is otherwise negotiated upon by the parties. Official time cannot be granted for the conduct of internal union business.

#### **OPPORTUNITY PERIOD**

A period of time during which an employee, after being told that his or her performance is unacceptable, has a chance to show that he or she can improve to an acceptable level. At the beginning of the opportunity period, the supervisor tells the employee how long the opportunity period will be, specifically what performance is necessary to remain in the position, and what assistance the agency will provide the employee to improve to that level.

#### **PAST PRACTICES**

Existing practices sanctioned by use and acceptance, which are not specifically included in the term agreement.

#### PAY PROGRESSION

The positive movement of salary within a pay range. An organization's policies for managing position in range are implemented through the pay system's pay progression method (e.g., the conditions an employee must meet to advance in the range or to be paid the top rates in a pay range). Under the General Schedule, the primary method of pay progression is within-grade increases.

### PERFORMANCE-BASED ACTION

An unfavorable action, such as demotion or removal, taken against an employee because of unacceptable performance. Under current law, such actions generally entitle an employee to procedural due process and the right to appeal.

# PERFORMANCE IMPROVEMENT PERIOD (PIP)

See **OPPORTUNITY PERIOD** above.

# PERFORMANCE MANAGEMENT (Employee)

In the context of employee performance, an integrated set of managerial processes that consists of:

- planning performance both by translating organizational goals and objectives to specific results employees and units are expected to achieve and by establishing the measures that will be used to assess such achievement and maintain accountability,
- monitoring performance through ongoing observation and feedback, including taking steps to address and resolve poor performance,
- developing the capacity to perform both by increasing needed employee competencies through learning management and by improving business processes,
- appraising performance including formally measuring and reporting individual, group, and organizational achievements and periodically summarizing performance in an employee's formal rating of record, and
- rewarding performance both informally using ongoing recognition and formally using financial rewards such as variable pay based on organizational, group, or individual achievements and adjustments to individual rates of pay.

# PERFORMANCE MANAGEMENT (Program)

In the context of program performance, an integrated set of managerial processes to establish and assess organizational goals and accountability for results, such as those carried out in the Federal Government under the requirements of the Government Performance and Results Act of 1993.

# PERMISSIVE SUBJECTS OF BARGAINING

Subjects that management may but is not required to bargain over. These include the numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty, or on the technology, and methods and means of performing work.

### PLUG AND PLAY

A term borrowed from the computer world to denote a human resources system that can be easily integrated into an existing HR structure. (Examples include gainsharing and goalsharing, which can be utilized as a way to reward employees for success in specific projects without regard to the organization's basic pay system).

### **POSITION IN RANGE**

The position of a pay rate relative to all pay rates in a range. Position in range is normally expressed as a percentile, but may be expressed relative to control points or pay ranges.

# PREPONDERANCE OF THE EVIDENCE

The standard of proof currently applied to appeals of actions taken using adverse action procedures. The Merit System Protection Board has defined the term as follows: "A preponderance of the evidence is that degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to support a conclusion that a contested fact is more likely to be true than untrue."

# PROBATIONARY PERIOD

In general, a period of employment during which an employee's performance and qualifications are evaluated prior to an appointment becoming permanent. Prior to successful completion of such a period, employees have limited appeal rights. In some contexts, this period is referred to as a trial period.

### QUALITY STEP INCREASE (QSI)

The increase of a General Schedule employee's pay from one step rate to the next higher rate for that same grade in advance of completion of the applicable waiting period.

#### RANGE

A range of pay within a pay band or grade.

### **RANK IN PERSON**

A human resources system in which rank or grade is vested in the individual, rather than in the assigned position. (Military and Foreign Service officers are in rank-in-person systems.) Under this concept, pay levels and promotions are based on the individual's value to the organization, regardless of the position to which assigned. This value is assessed in terms of both performance results and development of capabilities (e.g., leadership) needed by the organization.

#### REOPENER CLAUSE

Provisions in a contract specifying the conditions under which one or either party can reopen for renegotiation the agreement or designated parts of the agreement.

### SALARY STRUCTURE

A hierarchical structure of pay ranges. An organization may use different salary structures for different categories of employees.

# SCOPE OF BARGAINING

Matters about which the parties can negotiate. See also **NEGOTIABILITY DISPUTES**.

#### SHARE SYSTEM

A method of basing employee progression within a pay range on individual performance, but with the actual value of the increase affected by the distribution of performance ratings. Share systems use a formula that distributes the finite funds in a pay pool by shares assigned to different levels of performance. An example would be a system that assigns 2 shares to the highest performance level and 1 share to the next highest performance level. An employee with the highest level performance rating will get 2 shares, but the actual dollar value of each share varies with the number of shares distributed to all employees in the pool.

### STANDARDS OF CONDUCT FOR LABOR ORGANIZATIONS

Standards regarding internal democratic practices, fiscal responsibility, and procedures to which a union must adhere to qualify for recognition. The Department of Labor has responsibility for making known and enforcing standards of conduct for unions in the Federal and private sectors.

# STRUCTURAL ADJUSTMENT

An increase in the dollar values of an overall pay structure. The increase may or may not affect the pay of employees in the structure.

# SUBSTANTIAL EVIDENCE

The standard of proof currently applied to appeals of actions taken using performance-based procedures. The Merit System Protection Board has defined the term as follows: "The degree of relevant evidence that a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree."

### **SUSPENSION**

Placement of an employee in nonpay, nonduty status for disciplinary reasons.

# SYSTEM ELEMENTS

The elements of compensation systems include the method(s) for determining relative value of different kinds of work in the organization (e.g., position classification), the method(s) for comparing work in the organization with the compensation being paid for similar work outside the organization, and the method(s) for setting and adjusting employees' pay to recognize their value to the organization and their "selling power" in the labor market.

# TEMPORARY EMPLOYEE

A person hired into a position that is not expected to last. Most temporary employees have no appeal rights if the agency terminates their employment, but there are many exceptions.

#### TRIAL PERIOD

See **Probationary Period** above.

# UNFAIR LABOR PRACTICE (ULP)

A claimed violation of the Federal labor law that can be filed with the FLRA by a union, an agency, or an individual. ULPs are investigated by the General Counsel of the FLRA who may issue a complaint if the charge(s) have merit and prosecute the matter.

# VARIABLE PAY

Lump-sum pay that is not guaranteed (e.g., awards or bonuses); variable pay is usually dependent on employee or organizational performance, or both. Variable pay is not base pay.

# WAGE SYSTEM

A term that usually refers to pay systems covering "blue-collar" work that is paid on an hourly basis rather than weekly or monthly.

#### **WEINGARTEN RIGHT**

Right of the union to represent an employee being examined in an investigation if the examination is conducted by a representative of the agency, the employee reasonably believes that the examination may result in disciplinary action, and the employees asks for representation.

# WITHIN-GRADE INCREASE (WIGI)

The increase of a General Schedule employee's pay from one step rate to the next higher step rate in the same grade at the completion of the applicable waiting period.

#### ZIPPER CLAUSE

A clause in a negotiated agreement which prevents the parties from re-opening the agreement during its established term.