

456 CMR: DEPARTMENT OF LABOR RELATIONS

456 CMR 11.00: DEFINITIONS

Section

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11.01: Purpose

456 CMR 11.00 provides definitions for words and phrases used in 456 CMR when used with reference to M.G.L. c. 150E.

11.02: Terms Defined by Law

Adjudicatory proceeding shall have the meaning set forth in M.G.L. c. 30A, § 1 and shall include proceedings governed pursuant to the following:

- 456 CMR 11.00;
- 456 CMR 12.00: *General Provisions*;
- 456 CMR 13.00: *Conduct of Hearings*;
- 456 CMR 15.00: *Investigations*;
- 456 CMR 17.00: *Agency Service Fee*.

Advisory Council. The Advisory Council established pursuant to M.G.L. c. 23, § 9Q.

Appropriate Bargaining Unit. A bargaining unit determined by the criteria set forth in M.G.L. c. 150E, § 3.

Board. The Commonwealth Employment Relations Board established pursuant to M.G.L. c. 23, § 9R.

Cost Items. The meaning set forth in M.G.L. c. 150E, § 1.

Department. The Department of Labor Relations established pursuant to M.G.L. c. 23, § 9O.

Director. The Director of the Department of Labor Relations established pursuant to M.G.L. c. 23, § 9T.

Employee or Public Employee. The meanings set forth in M.G.L. c. 150E, § 1.

Employee Organization. The meaning set forth in M.G.L. c. 150E, § 1.

Employer. The meaning set forth in M.G.L. c. 150E, § 1.

Incremental Cost Items. The meaning set forth in M.G.L. c. 150E, § 1.

Legislative Body. The meaning set forth in M.G.L. c. 150E, § 1.

Professional Employee. The meaning set forth in M.G.L. c. 150E, § 1.

Prohibited Practice. The meaning set forth in M.G.L. c. 150E, § 10.

Strike. The meaning set forth in M.G.L. c. 150E, § 1.

Written Majority Authorization. The meaning as set forth in M.G.L. c. 150E, § 1.

11.03: Definitions

Bargaining Unit. That group of employees represented by an exclusive bargaining agent, which has been recognized by the employer or certified by the Department pursuant to M.G.L. c. 150E and 456 CMR.

11.03: continued

Collective Bargaining Agreement. A complete and final written agreement signed by all parties reached between a public employer and an employee organization that sets forth wages, hours, or other terms and conditions of employment.

Days. Calendar days, including Saturdays, Sundays and legal holidays.

Escrow Account. An account in a bank or comparable financial institution jointly administered by and payable to the charging party and the respondent exclusive bargaining agent.

Exclusive Bargaining Agent. The employee organization recognized by the employer or certified by the Department as the exclusive representative of the employees in the bargaining unit for the purposes of collective bargaining.

Hearing Officer. The Board presiding over a case in the first instance, or the Board member individually, or the Department agent designated to preside at a hearing.

Party. Any individual, employer or employee organization participating in a matter before the Department or Board either as a matter of right or as an intervenor under the provisions of 456 CMR 12.03: *Intervention*.

Recognition. Written recognition by an employer pursuant to 456 CMR 14.06(5): *Recognition Year Bar* of an employee organization designated by the majority of the employees in an appropriate bargaining unit as the exclusive representative of all the employees in such unit for the purpose of collective bargaining.

Service Fee. A sum of money that an employee is required to pay as a condition of employment to a bargaining agent pursuant to a collective bargaining agreement as provided in M.G.L. c. 150E, § 12.

Showing of Interest.

- (a) Authorization cards or petitions, authorizing the named employee organization to represent such employees for the purpose of collective bargaining, provided that any such authorization cards or petitions are signed and individually dated by employees within six months prior to the filing of a petition pursuant to 456 CMR 14.03: *Petitions by Employee Organizations*;
- (b) Authorization cards or petitions, stating that such employees no longer wish to be represented by the named employee organization for the purpose of collective bargaining, provided that any such authorization cards or petitions are signed and individually dated by employees within six months prior to the filing of a petition pursuant to 456 CMR 14.04: *Petitions by Employees*; or
- (c) Other evidence approved by the Department.

Tender. The actual production and unconditional offer to a representative of the bargaining agent of an amount no less than the amount demanded as a service fee.

11.04: Charges and Complaints

Complaint. as used in M.G.L. c. 150E, §§ 11(a) and (b) only, shall hereinafter be referred to as a charge.

Answer. as used in M.G.L. c. 150E, § 11(a) only, shall hereinafter be referred to as a response.

REGULATORY AUTHORITY

456 CMR 11.00: M.G.L. c. 23, §§ 90, 9Q, 9R, 9T(c); c. 150E, §§ 1, 3 and 4.