

13 NCAC 04A .0103 DEFINITIONS

The following definitions shall apply throughout this Chapter:

- (1) "division" -- those employees of the department who are responsible for promoting permanent labor-management peace and protecting the rights and interests of the people of this state by the prevention or prompt settlement of labor disputes;
- (2) "director" -- that individual responsible for planning, directing, controlling, and implementing division services;
- (3) "conciliation" -- a process whereby parties in controversy seek to reconcile their differences by using a third party as an intermediary; The conciliator in the conciliation process acts as a catalytic agent, by being available, but does not take an active part in the settlement process;
- (4) "mediation" -- a form of conflict resolution, requested by either or both parties in controversy, which serves as a vehicle for continued negotiations and ultimate settlement; The mediator in the mediation process takes an active part in the settlement process by listening, reviewing, analyzing, suggesting, advising, and reasoning with the parties in controversy;
- (5) "voluntary arbitration" -- a procedure whereby parties, unable to agree on a solution to a problem, indicate their willingness to be bound by the decision of a neutral third party;
- (6) "arbitrator" -- one who intervenes, upon request by the parties, in a labor dispute and renders a binding decision in an unreconcilable controversy;
- (7) "bench decision" -- a decision rendered by an arbitrator immediately upon conclusion of the hearing;
- (8) "collective bargaining agreement" -- a contract or mutual understanding between a union and company or their representatives setting forth the terms and conditions of employment for a specific period of time;
- (9) "party" -- any company, union, or individual employee responsible under the terms of a collective bargaining agreement, or any employer or employee in a non-union employer/employee relationship.

*History Note: Authority G.S. 95-36; 95-36.3;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*