

The

GRIEVANCE

General Shop Steward Training



Presented by the DC 37 EdFund

IS IT A GRIPE OR A GRIEVANCE

→ A Gripe Is:

- A complaint the member has that may be valid, but is not related to a violation of the contract
- A gripe may be documented
- A gripe is not generally enforceable. However, there may be options that can be resolved in a labor management meeting

Was your contract violated? Know the difference

→ A Grievance Is a Violation Of:

- The contract
- A work rule or regulation
- A policy or procedure
- Any federal, state, county or municipal law
- Past practice

→ Next Steps

DEFINITION OF A GRIEVANCE

A formal complaint filed by an employee or his or her union representative regarding working terms or conditions, compensation, discipline, and for which there is a resolution process provided for in the union contract.

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THREE TYPES OF GRIEVANCES

Classifications

Grievances can be classified according to where they come from, how they arise and who is affected. ▼

1

▶ Individual

One person grieves that a management action has violated their rights under the collective agreement.

2

▶ Group

A group grievance complains that management action has hurt a group of individuals in the same way.

3

▶ Union

With a policy or union grievance, the union complains that a management action violates the agreement.

CONTRACT VIOLATIONS

If your supervisor gives you a directive you believe violates your contract or standard job procedures, it is important to communicate your concern. i.e. "That's a responsibility outside of my title." If the supervisor insists that you do the work, do it. Later on, you can file a grievance; but if you refuse to comply with a direct order, you may possibly be disciplined for insubordination. Arbitrators reason that when the company and the union negotiated their grievance procedure, they did so to avoid work disruptions caused by job disputes. The work continues, productivity is maintained, and the problem gets solved later through the grievance procedure. The only exception to this rule, is when the directive would put you at serious risk of injury.

- ▶ **Unfair Treatment**
Management's action constituted unfair or unequal treatment of an employee or group of employees.

- ▶ **Discrimination**
Management engaged in discrimination or harassment.

- ▶ **Disciplinary**
Management took unjustified disciplinary action against an employee or group of employees.

- ▶ **Promotion**
Management denied you the promotion you deserved.

5 STEPS TO GRIEVANCE HANDLING

If you believe that grounds for a grievance exists. What should you do?

→ **Contact Your Shop Steward**



01 Identification

Within your contract, identify the specific section where your employer is in non-compliance

02 Investigation

Examine a wide variety of records to investigate the: who, what, when, where and why to determine legitimacy

03 Documentation

Gather any relevant records identified in the investigation and request documentation from the employer

04 Preparation

Utilizing the contract and related documents, an argument is prepared to support the grievance claim

05 Presentation

Present a well prepared argument to the employees Supervisor. If the grievance remains unresolved, escalate



INVESTIGATING



... and an “H”

How is it to be resolved?
What remedy does the grievant want?

► The Five W’s

- **Who** is involved in the incident?
- **What** happened?
- **When** did the incident occur?
- **Where** did the events take place?
- **Why** is it a grievance?



CONDUCTING THE INVESTIGATION



► Types Of Evidence

- Direct evidence
- Circumstantial evidence
- Hearsay evidence

► Gathering Evidence

- Ask questions
- Listen
- Document

► Right To Information

Evaluations
Job Assignments
Attendance records
Job descriptions
Personnel files
Training manuals
Disciplinary records

NEXT STEPS



Employee Gripe

Not enforceable but can be resolved

- Must be investigated and handled promptly.
- Should be resolved on an informal basis whenever possible.



Grievance

The grievance will be enforced through use of the contract

1. The employee makes their **complaint** to a **union** representative or some other official.
2. The **union** representative completes a form and then files this form with the **union** for review.
3. The **union** files the form and any other relevant documents.



FILING THE GRIEVANCE

Timing Is Critical

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GRIEVANCE STEPS

Step One

- Union must file within 120 days
- File with agency head or designee
- Management must give written response within 3 days

Step Two

- Union must appeal within 5 days
- File with agency head or designee
- Management must give written response within 10 days

Step Three

- Union must appeal within 10 days
- File with commissioner of Labor Relations
- Management must give written response within 15 days

ARBITRATION

▶ Final Round

- The union must appeal within 15 days
- File with: Office of Collective Bargaining
- Decision Time: 30 days

▶ Decision

The arbitrator's award is final and binding.



THE STEWARD

Steward's Rights

Executive Order 75

The city's policy on time spent on the conduct of labor relations between the city and its employees, and on union activity.

More information

Weingarten Rights

The city's policy on time spent on the conduct of labor relations between the city and its employees, and on union activity.



Weingarten Statement

"If this discussion could in any way lead to my being disciplined or terminated or have any effect on my personal working conditions, I respectfully request that my union steward, representative, or officer be present at this meeting. Without union representation, I choose not to participate in this discussion."

STEWARD'S OBLIGATIONS



On my honor, I
promise to do my best
to fulfill my
"DUTY OF FAIR
REPRESENTATION,"
with care.

Duty of Fair Representation

The obligation of the union to represent all employees in the bargaining unit fairly, impartially, without discrimination, and in good faith.

Duty of Care

Consider all the consequences: How it will affect the worker(s) now and in the future; Discuss all steps in the process with the workers.



THANK YOU

DC 37 EDFUND

