

WHAT IS A GRIEVANCE

Q. What's a grievance?

A. When a worker believes his or her rights on the job have been violated.

minimal - no back stay on grievance form stay provided

Q. Where do Employees get these "rights"?

A. You have to look in your contract. That's where the Union and management formally agree--in writing--on wages, hours and conditions of employment. The contract is where Employees get their rights.

Q. How is a grievance defined?

A. To do that, let's get back to the contract. Every contract contains a definition of a grievance for the workers covered by that agreement. It usually says something like, "a grievance is any dispute concerning the application, meaning or interpretation of the provisions of this Agreement."

Q. Is that the only time a grievance can be filed?

A. In addition to basing a grievance on a **VIOLATION OF A PROVISION OF THE CONTRACT**, (including such areas as seniority, overtime, vacation and holiday pay, unjust disciplinary action, staffing, job posting, etc.), Stewards can also base a grievance on a **VIOLATION OF WORK RULES, REGULATIONS, OR POLICIES**.

A Steward can cite a **VIOLATION OF PAST PRACTICE** or you can file a grievance if there has been a **VIOLATION OF LOCAL, STATE OR FEDERAL LAW**.

THE PRODUCT OF COLLECTIVE BARGAINING

"LIVING LANGUAGE"

The contract is constantly being applied, interpreted and enforced. Contract disputes between the two parties happen regularly because the language might not be clear, application may vary or there is disagreement on intent. It is a complex document but one Employees should become comfortable in referencing.

If the Steward disagrees with management on the interpretation, clarification can be sought through the Union Staff and Labor Relations Representative. If the parties Arbitrator is a neutral party that makes a binding decision as to how the language should be interpreted and applied. Some standards that an Arbitrator would consider might include the following:

1. **Clear and definite language** will generally prevail over an established practice.
2. **Intent of the parties** and bargaining history. Inquiries can be made as to what the parties thought the language meant when the agreement was written.
3. **Specific language** will apply over more general language.
4. **The agreement will be interpreted as a whole.** The meaning of each paragraph and each sentence must be determined in relation to the contract as a whole.
5. **Custom and past practice** can be considered when language is unclear or the contract is silent on an issue.
6. Interpretations, which result in harsh, absurd consequences, should be decided against if an alternative interpretation provides a more sensible outcome.

HOW TO WRITE A GRIEVANCE

If you wish to get all the pertinent facts into a written grievance, the easiest memory aid is the use of the six W's:

- **WHO:** is involved in the grievance?
- **WHEN:** did the grievance occur? (Give the DATE.)
- **WHERE:** did the grievance occur?
- **WHY:** is this a grievance? What has been violated?
- **WHAT:** occurred?
- **(WHAT) REMEDY:** are your demands? What adjustments are necessary to completely correct the violation?

Example:

STATEMENT OF GRIEVANCE:

George Griswell, Delivery Van Driver was given a two day suspension for inappropriate behavior in the workplace January 3, 2006.

CONTRACT VIOLATIONS:

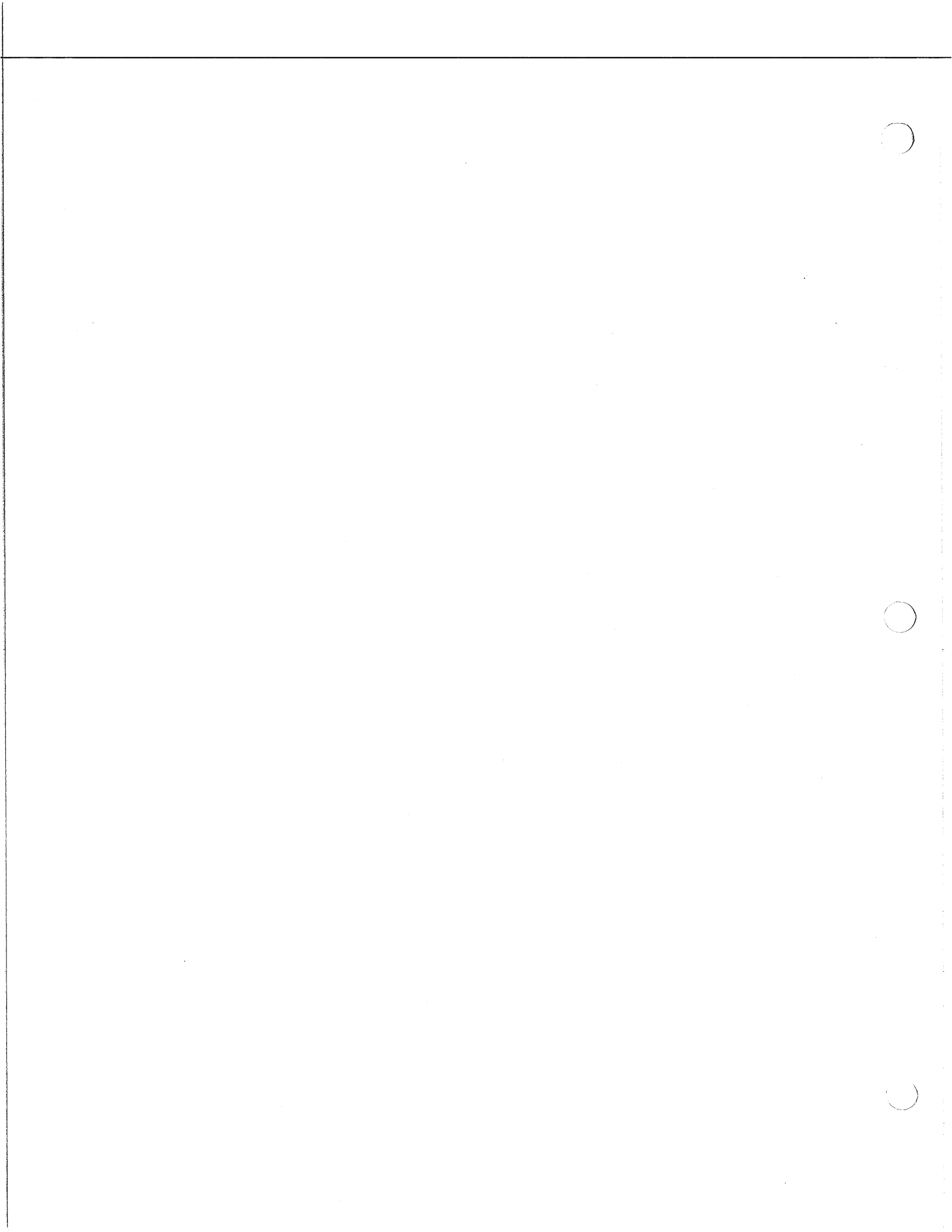
The Agreement between AFSCME, Council 5 and the Employer

REMEDY SOUGHT:

Reinstate pay for George and remove all discipline from file. In all ways, make whole.

(Proper remedy is probably the most difficult part of the grievance to arrive at. Consult with other Union officials if you are at all unsure on the remedy)

Save your arguments, proof and documentation for when you present the case. Don't argue your case on the Official Grievance Form that you submit to management. Note: the following example contains the 6 W's.



We cannot miss a timeline, but manage it can

GRIEVANCE TIMELINES

Step 1

How many days the Union have to file?	21 days ^{from our knowledge}
Who is it filed with?	Super head of the unit (or super)
How many days does the Employer have to respond?	14 days

Step 2

How many days the Union have to file?	14 days
Who is it filed with?	head of the unit (or super)
How many days before the grievance meeting is held?	14 days
How many days does the Employer have to respond?	14 days

cc
Central
etc

Step 3

How many days the Union have to file?	14 days
Who is it filed with?	Dean (or =)
How many days before the grievance meeting is held?	14 days
How many days does the Employer have to respond?	14 days

Step 4

Arbitration

How many days the Union have to file?	90 days
Who is it filed with?	SHR
Who hears the case?	BMS Arbitrator
How many days to respond?	30+ days from hearing

Answer the following questions and indicate the article, section and page number of your contract that addresses the question.

1. Is the grievant paid to attend the grievance meeting?

4

2. How is the Steward paid for the grievance meeting?

3. How many Union Representatives are allowed at each step of the grievance meeting?

4. How is the Steward paid for time spent investigating and preparing for the grievance?

5. At what step does the Council Field Rep attend?

Present con

- Mgmt
- Our case
We feel our
are strong

Language: We need to prove
Discipline: Mgmt has to
prove