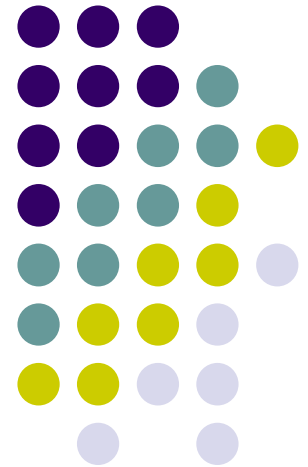
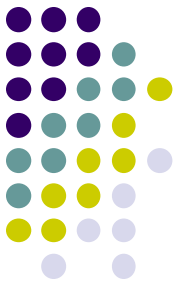


Understanding Grievances

Or: If one follows you
home, do you
have to keep it?





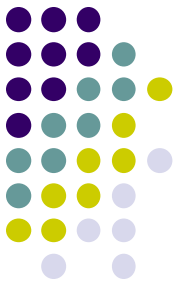
Gripe or Grievance?

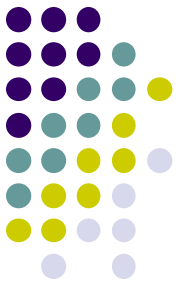
- All complaints are not grievances
- Grounds for grievance
 - Misapplication/misinterpretation of
 - The contract
 - State and federal laws
 - Employer rules and regulations
 - Past practice

Check your contract for how grievance is defined

Types of grievances

- Discipline
- Contract Interpretation
- Non-discipline

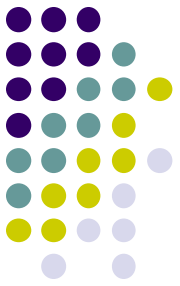




Why file grievances?

- Protects rights on the job
- Serves as mechanism for enforcing contract
- Provides orderly and fair settlement of disputes
- Fosters healthy, safe work conditions
- Workers don't stand alone when they have a dispute with the employer

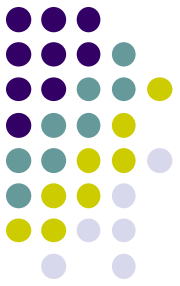
Time is of the essence

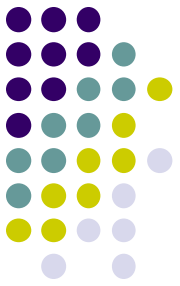


- ALWAYS respond within time limits
 - Missed timelines can prevent moving the grievance forward
- If you can't respond in time, request an extension
 - Request extensions in writing or confirm in writing
 - Make for specific length of time
 - Contract language may cover this procedure
 - Reasons extensions are needed
 - More investigation is needed
 - Information is delayed in arriving
 - Source of information may cause delay
 - Complexity of the case

Time is of the essence continued

- Time limits are set by the contract
- Time limits apply to Union and Employer
- Repercussions of failing to meet a timeline
 - Possible Duty of Fair Representation charges
 - Loss of the grievance
 - Impact on future grievances

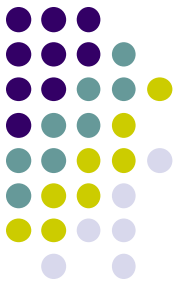




Seven tests of just cause

- Reasonable order or rule
- Clear and unambiguous notice
- Timely and thorough investigation
- Fair investigation
- Proof
- Equal treatment
- Appropriate discipline

Duty of Fair Representation



- Three types of cases:
 - Claim that union refused to process a grievance or did so incompletely or incompetently
 - Interests of two bargaining unit members' conflict
 - Charges of discrimination by nonunion members



Clear and unambiguous?

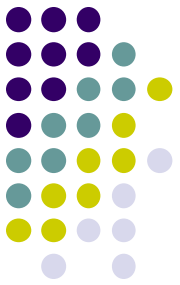
- Words are always subject to interpretation
- Usually read language to mean what we want or need it to mean
- Need objectivity to make clear argument
- Ask an outside party to read the language
- Sample: “Shift workers will be given 30 minutes from their regular shift for eating lunch, at the convenience of management.”



What is ambiguous?

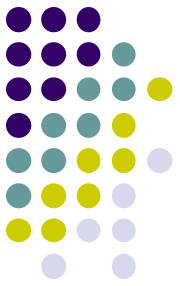
- Language that can be understood at least two ways.
- Sample: “Employees must report any absence for illness or injury prior to the beginning of their shift.” Clear or ambiguous?

Past Practice



- **Consistency** Has the situation been treated the same each time it has occurred?
- **Frequency** Has the situation occurred often?
- **Longevity** Has it occurred over a long period of time?
- **Awareness** Were both management and the union aware of the practice?
- **Conditions** Have the conditions that precipitated the practice changed?

Establishing the existence of a past practice



- *Key elements*
 - Readily ascertainable over a reasonable period of time as a fixed, and established practice accepted by both parties
 - Union and management know about the practice, haven't disputed it, respectively expect it to be applied and apply it; and it has a history