



## GRIEVANCE PROCESSING BASICS

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### 1. What is a grievance?

The exact definition of a grievance is set-out in the grievance procedure of the collective bargaining agreement. Only those matters which fall within this definition constitute a grievance. Most commonly, a grievance is defined **as a violation, misinterpretation, or misapplication of the collective bargaining agreement**. However, some contracts allow grievances to be filed on issues outside the contract. Disputes that fall outside the definition may be redressed in another forum.

### 2. Who can file a grievance?

The collective bargaining agreement generally defines who can file a grievance. Typically, a grievant is defined as **an employee, a group of employees, or the Association**.

### 3. Why grieve?

Filing a grievance allows an employee or the Association to redress problems affecting the work environment. The Association has a strong interest in enforcing the negotiated terms of the contract and does so through the grievance process.

### 4. When do you file a grievance?

Timelines for filing a grievance are set forth in the collective bargaining agreement and must be strictly followed. Often there is only a short time in which to investigate and file the grievance. Failure to file a grievance can result in the claim being lost as untimely filed.

### 5. How do you file a grievance?

**Timeliness is of the essence.** If you believe the timelines have expired, you still may want to file the grievance.

Check the grievance procedures in the contract to determine who gets the grievance and when. Hand deliver the grievance to the appropriate person. Have the grievance stamped received with the date. Obtain a copy of the date stamped grievance. Note who received the grievance form. If you can't hand deliver the grievance, mail it via certified mail.

### 6. If it is not a grievance, what are my alternatives?

1. If you determine there is no grievance, action may need to be taken in one or more of the following forums:
2. Unfair Labor Practice
3. Alternative Dispute Resolution
4. Civil Action

5. Equal Employment Opportunity Commission, Department of Labor, or other agencies
6. Bargain (either mid term or wait for successor bargaining)
7. Organizational activities (community action, political action, lobbying Board members, etc.)
8. Other

### **7. What are the grievance steps?**

A grievance procedure usually contains steps or levels at which grievances are processed. Examples of established steps are: Immediate Supervisor or Principal; Superintendent; Board of Education; and Arbitration. Check your contract to determine what steps are required.

### **8. How should I write a grievance?**

Remember to review the entire grievance procedure and follow it. Check the time limits and use the appropriate forms(s). If there is no form, consult with the Association leadership on past procedure regarding filing procedures.

The actual grievance should include the following basic areas:

1. Date of the incident
2. Date the grievance is filed
3. Sections of the contract violated
4. Description of complaint
5. Remedy requested.

### **9. What happens if an individual doesn't want to pursue a grievance?**

In most contracts, the Local Association has the right to file grievances on its own behalf with or without the consent of the individual grievant. An individual's cooperation may be needed in processing a grievance. Therefore, an individual's interest, although not controlling, needs to be considered when deciding whether to file a grievance. If the Association is specifically excluded from filing a grievance on its own behalf, an individual must bring the grievance forward.

### **10. What kind of investigation should be conducted?**

The investigation should be as thorough as possible. All the information that is possible to obtain, must be gathered. Interview the grievance, the witnesses, and others that may add to the case (e.g., testimony on past proactive or bargaining history, etc.). Gather documents, notes of interviews, any physical evidence, grievance papers, and materials from the Employer.

**11. Can problems result from the Association's refusal to file or process a grievance?**

All Local associations have the duty to represent all members of the bargaining units, as defined in the recognition clause of your contract (not just member so the association) fairly. An association's refusal to process a viable grievance may result in an unfair labor practice charge being filed against the association for breaching its duty to represent all members of the unit fairly.

**12. Do all grievances result in arbitration?**

No.

The grievance process is an extension of the collective bargaining process. Many grievances can be "worked out", bargained. A grievance is a problem. Problems can be solved. What is the nature of the problem? Is it a contract dispute? Personality conflict? Power struggle? Does the organization need to justify its existence? Is it a "frivolous" grievance? Is it really a grievance? Is it winnable? Is it necessary that it go to arbitration? Weigh the pros and cons.

**13. What kinds of records should be kept.**

Be prepared! Keep everything. The paper trail. Organize it.

1. Grievance form or letter, all responses and correspondence regarding the grievance.
2. Documentary Evidence. Documents and papers, yours, the grievants', and the Administration and Board's papers and documents.
3. Physical Evidence. Photographs, objects or other tangible objects necessary as exhibits or pertinent to case.
4. Testimony. 'witness, interviews, notes, etc.
5. Grievance Rep's notes, outline, theory(s).
6. Research on issues (s), witnesses, past practices, evaluations, personnel file, other.
7. Incidents. Date, time place, who's there, why there, what happened, any records, or accounts of it written, taped, video, witnesses.