Washington Federation of State Employees
Council 28, AFSCME

Policy for Processing Grievances

1. **Responsibilities of Local Unions**

   Each local union will assist, encourage and support the development of steward systems, which will include a process for selection, oversight, ongoing education, mentoring and removal; and a process for the review of a decision to remove a steward.

2. **Responsibilities of Bargaining Unit Employees Requesting a Grievance be Filed**

   A. The processing of grievances must be done within short mandatory time frames; therefore, when a bargaining unit employee desires that the Union file a grievance, the employee will immediately contact the appropriate steward. If a steward is not available, the employee may contact the assigned union staff representative, the Member Connection Center or local union.

   B. The bargaining unit employee will provide to the steward or union staff representative all pertinent information related to the grievance. This information must be provided in a timely manner. The bargaining unit employee will fully cooperate in the grievance investigation and processing. Failure to cooperate may be grounds to stop processing the grievance.

   C. After investigation, should the steward/staff representative determine that the grievance does not have merit, the steward/staff representative will so advise the employee by providing the approved WFSE "No Merit Letter". The employee may seek review of the decision through the Council 28 Grievance Committee. In such cases, the employee is responsible for requesting a review in writing to the Council 28 Grievance Committee within the time frames required by the relevant grievance procedure found in the applicable collective bargaining agreement.

3. **Responsibilities of Grievant**

   A. It is required that the grievant follow the appropriate grievance procedure in effect for that grievant's bargaining unit.

   B. The grievant will fully cooperate in the grievance investigation and processing as stated in 2b. above. Failure to cooperate may be grounds to stop processing the grievance.

   C. Upon receipt of any grievance decision, the grievant will immediately notify the steward and/or staff representative of their desire to further pursue the grievance.

   D. When necessary, the grievant will participate in all steps of the grievance procedure, including a fair consideration of all resolution options.

   E. Monetary awards or settlements may be subject to payment of applicable dues or fees.

   F. The grievant will refrain from any non-cooperative, abusive or threatening behavior or actions directed toward any steward, officer, staff, or attorney. The grievant will not unilaterally settle or attempt to settle a

pending grievance, nor take any action adverse to the successful processing of the grievance. Such behavior may be grounds to stop processing the grievance.

4. **Responsibilities of Stewards**

A. The steward is the primary representative of bargaining unit employees in grievance matters. The designated steward will make themselves reasonably available to employees to assist in the processing and resolution of grievances. The steward will respect the confidentiality/privacy of the grievance issues throughout the process to the extent reasonably possible.

B. The steward will conduct a fair and timely investigation and assessment, and will advise the employee on the merits of the grievance and the Union's procedures for filing a grievance.

C. After investigation, if the steward determines that the grievance does not have merit, the steward must first consult with the union staff representative and then advise the employee of the decision by providing a completed WFSE "No Merit Letter" to advise the employee of the decision and of the right to seek a review by the Council 28 Grievance Committee and must forward a copy of this letter to theField Office and the Member Connection Center. If the employee decides to request a review by the Council 28 Grievance Committee, the steward will process the grievance to the extent necessary to preserve the grievance, and will represent the employee until such time as the Council 28 Grievance Committee has met and determined whether or not to support continued processing of the grievance.

D. The steward will participate in the grievance committee process, including notifying the union staff representative of any grievance requests and filed grievances.

E. If the steward decides that the grievance has merit, the steward will file and process the grievance until assistance from the staff representative is necessary or until the grievance is resolved.

F. The steward will provide on-going assistance, including forwarding all notes, files, and relevant documents regarding the grievance, to the staff representative/attorney.

5. **Responsibilities of the Council 28 Grievance Committee**

A. The council will establish a Council Grievance Committee. The Council Grievance Committee will: 1) determine grievance processing and representation beyond the internal step; and 2) approve or deny requests for alternative dispute resolution procedures that would incur a cost.

B. Grievances already heard by the Council Grievance Committee for processing beyond the internal step may be brought back to the committee for reconsideration if certain extraordinary conditions exist, such as: 1) a reasonable settlement offer is received but rejected by the grievant; 2) the member is deemed unresponsive or otherwise uncooperative to the process; or 3) newly discovered information is received by the WFSE representative that materially affects the merits of the grievance.

C. Decisions of the Council Grievance Committee will be final.

D. In response to a request, the Council 28 Grievance Committee will decide whether to process a grievance based on the merits of the matter and in a manner that is not arbitrary, discriminatory, or in bad faith. Grievance committee will respect the confidentiality/privacy of the grievance issues throughout the process to the extent reasonably possible.

E. The Council 28 Grievance Committee will review and make a determination on all requests for processing grievances appropriate for review by the grievance committee.

F. The Council 28 Grievance Committee will inform the grievant, steward and staff representative/attorney of the intent to review the request for continued processing of a grievance.

G. The Council 28 Grievance Committee will consider recommendations from stewards and staff representatives/attorneys.

H. The Council 28 Grievance Committee will advise the grievant, steward and staff representative/attorney of the determination on grievance processing. The grievant will receive written notification of the committee's decision from the committee or the staff representative/attorney.

I. Prior to issuing a decision not to continue to process a grievance, the committee will provide the grievant an opportunity to address the committee.

J. The Council 28 Grievance Committee will maintain a written record of the decision on each request.

6. **Responsibilities of Staff Representatives and Union Attorneys**

A. After investigation, if the staff representative determines that the grievance does not have merit, they must first consult with their supervisor and then advise the employee of the decision by providing a completed WFSE "No Merit Letter" explaining their right to seek a review by the council grievance committee and must forward a copy of this letter to the Field Office and the Member Connection Center. If the employee decides to request a review by the Council Grievance Committee, the staff representative will process the grievance to the extent necessary to preserve the grievance and will represent the employee until such time as the Council 28 Grievance Committee has met and determined whether or not to support continued processing of the grievance.

B. Once a staff representative and/or union attorney assumes responsibility for a grievance in accordance with established union procedures (the staff representative/attorney becomes the grievant's primary representative). The staff representative/attorney will respect the confidentiality/privacy of the grievance issues throughout the process to the extent possible.

C. Staff representatives/attorneys will be responsible for representation of all grievances at the arbitration level of the grievance procedure, with the assistance of the steward as needed.

D. Staff representatives will report back to the Council 28 Grievance Committee on the eventual outcome of the grievance.

E. Staff representatives will be accessible to stewards and the Council 28 Grievance Committee for advice and assistance regarding the processing of grievances.

WFSE Policy on Privileged Confidential Communication

It is the position of the Washington Federation of State Employees that a communication, whether oral, signed (for hearing impaired), or written, between a Washington Federation of State Employees member and their Washington Federation of State Employees union representative(s) which is intended to be private and confidential regarding a representational matter is a privileged communication. A privileged communication is one, which may not be disclosed to third person (i.e., non-representatives). The privilege belongs to the member. Divulgence of a privileged communication with a member should be made only pursuant to the member's waiver of the privilege or an appropriate court order, where the court has ruled either that the communication is not privileged or that the communication must be divulged despite the privilege.

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