

**Washington Federation of State Employees  
Council 28, AFSCME**

**Policy for Processing Grievances**

**1. Responsibilities of Local Unions**

A. 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.

B. Each local union will establish a local grievance committee. The committee will be responsible for making determinations on requests for grievance processing up through the top internal step.

**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 local union grievance committee. In such cases, the employee is responsible for requesting review in writing to the Local President 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 stop processing the grievance.

C. Upon receipt of any grievance decision, the grievant will immediately notify the steward and/or staff representative of his or her 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 himself or herself 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 local union grievance committee and must forward a copy of this letter to the Local President, Field Office and the Member Connection Center. If the employee decides to request a review by the local 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 local 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 committee of any grievance requests and filed grievances.

E. If the steward or a grievance committee 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 Grievance Committees**

A. Local grievance committees are responsible for determinations on requests for grievance processing through the top internal step of the grievance procedures. A non-support decision of a local grievance committee may be appealed to the council grievance committee to determine whether to support the grievance through the internal step. Information and details of cases heard by the local grievance committees need to be kept confidential and not discussed outside of the committee meeting.

B. The council will establish a council grievance committee. The council grievance committee will: 1) determine grievance processing and representation beyond the internal step; 2) hear appeals from local grievance committees; and 3) approve or deny requests for alternative dispute resolution procedures that would incur a cost.

C. 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.

D. Decisions of the council grievance committee will be final.

E. In response to a request, the appropriate 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 committees will respect the confidentiality/privacy of the grievance issues throughout the process to the extent reasonably possible.

F. Grievance committees will review and make a determination on all requests for processing grievances appropriate for review by that grievance committee.

G. Grievance committees will inform the grievant, steward and staff representative/attorney of the intent to review the request for continued processing of a grievance.

H. Grievance committees will consider recommendations from stewards and staff representatives/attorneys.

I. Grievance committees 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.

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

K. Grievance committees 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 local union grievance committee and must forward a copy of this letter to the Local President, Field Office and the Member Connection Center. If the employee decides to request a review by the local 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 local 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 local or council grievance committee on the eventual outcome of the grievance.

E. Staff representatives will be accessible to stewards and grievance committees 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 his/her 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.

Date \_\_\_\_\_



Dear (member name),

After careful investigation and review of your case we have determined that there is not sufficient merit for a grievance. This means that the Washington Federation of State Employees/AFSCME Council 28 **will not** be pursuing a grievance on your behalf.

In accordance with the WFSE/AFSCME Council 28 Policy for Processing Grievances\*, you may seek review of this decision through the local union grievance committee. Please understand that if you wish to seek a review, that it is your responsibility to contact your Local President in writing to request review within the time frames required by the relevant grievance procedure found in the applicable collective bargaining agreement.

The contact information for your local grievance committee is:

Local President: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

If you have any questions about this process, please contact your WFSE Council Representative for assistance.

Sincerely,

\_\_\_\_\_  
(Name and Signature of COUNCIL REPRESENTATIVE/MCR/ LCR and/or STEWARD)

cc: Local President/Member Connection Center and Field Office

\*to review this policy, please go to [www.wfse.org](http://www.wfse.org) or contact our WFSE Member Connection Center at 1-833-622-9373.

