

Washington Federation of State Employees  
AFSCME Council 28

# Grievance Handling 101



# Problem Solving Tools for Stewards

*There are many tools we can use to solve problems:*

COLLECTIVE ACTION

INFORMAL RESOLUTION

WORKSITE CAMPAIGN

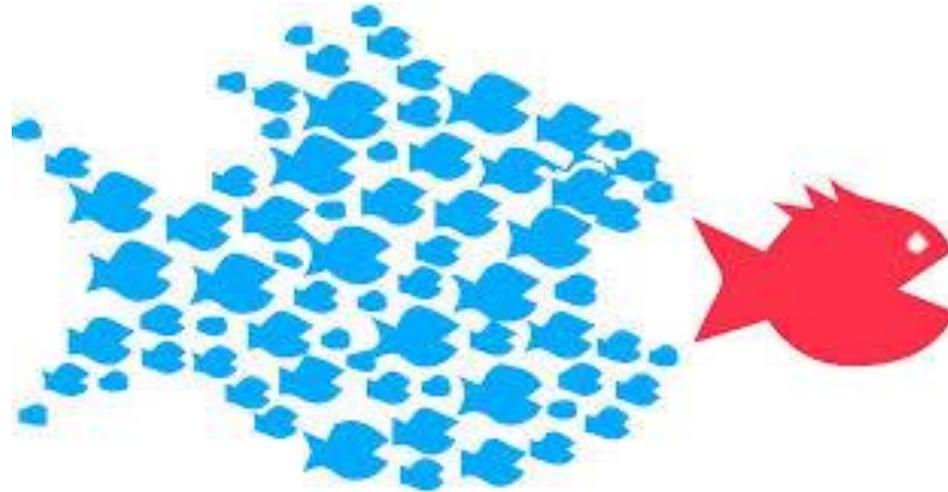
GRIEVANCE PROCEDURE

POLITICAL AND LEGISLATIVE ACTION

COLLECTIVE BARGAINING

UNFAIR LABOR PRACTICE

COMMUNITY ORGANIZING



# 5 Steps in Grievance Handling



One of these tools is the grievance.

A grievance is a violation of your contract.

Grievances may also include:

- Work rule/regulation
- Policy/procedure
- Federal, state, county, or municipal law
- Health & safety regulation
- Past practice

When identifying grievances, refer to the grievance definition in your contract.

# Investigation Interviews: Learn the Facts



- ▶ Interview the potential grievant(s), any witnesses, and the supervisor involved

Who? What? When? Where? Why?

- ▶ During each interview, remember these tips for success:
  - Listen carefully to what each person has to say.
  - Show interest. Ask open-ended and clarifying questions.
  - Don't promise results. Do explain next steps.
  - Take notes and review for accuracy.
  - Follow up to verify information, fill in gaps, and clear up discrepancies.

# Tips for Notetaking in Interviews



- ▶ Develop a system of taking notes that works for you.
- ▶ Put the person's name and the date on each page.
- ▶ Explain why you are taking notes and how the notes will be used.
- ▶ Capture the facts and ideas.
- ▶ Ask open ended and clarifying questions.
- ▶ Review your notes with the person you just interviewed. Did you capture the information correctly?
- ▶ Use different colored pens or highlighters to mark important tasks or follow up questions.
- ▶ Number your pages or staple them together before adding them to your files.

# Documentation: Build Your Case

- ▶ Research the contract, work rules, policies, procedures, & laws. What violation(s) occurred?
- ▶ Gather your evidence. Examples include:

*witness statements, handwritten notes, emails, discipline records, personnel files, photographs, performance evaluations, seniority lists, job descriptions, safety records, attendance records, correspondence, payroll records, equipment specifications.*

- ▶ Submit information requests as needed.
- ▶ Look for leverage.
- ▶ Stay organized. Build your case as if you are preparing for arbitration.

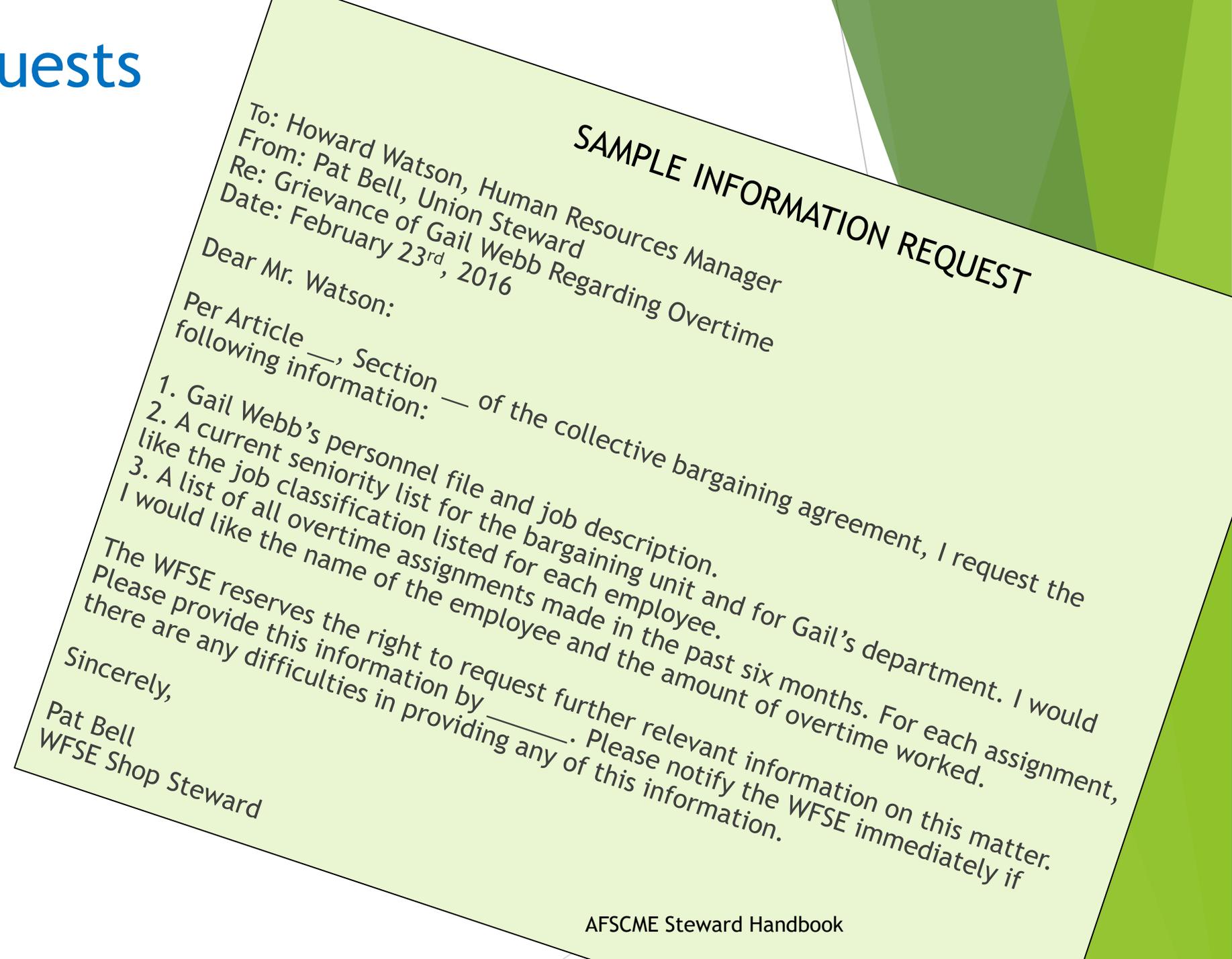
**LEVERAGE:**  
**The force each side uses to make the other side yield.**

# Information Requests

As a steward, you have the right to request information to:

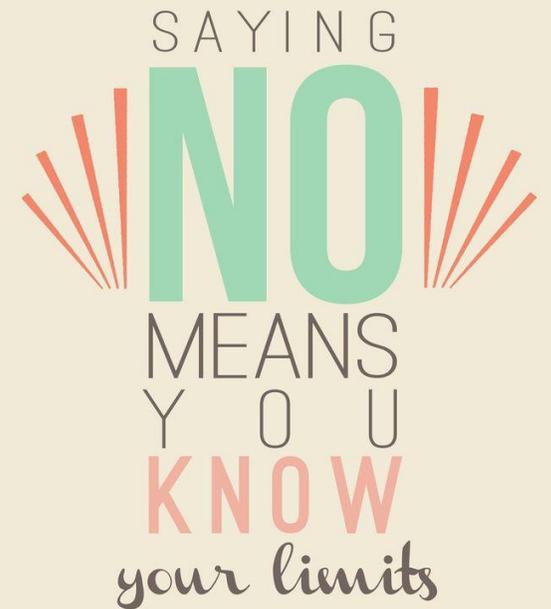
- ▶ Monitor compliance with the contract
- ▶ Look into a workplace problem
- ▶ Investigate whether a grievance exists
- ▶ Decide whether to drop a grievance or move it up the ladder
- ▶ Prepare for an arbitration hearing

The request must be made in good faith and specific to the issue at hand.



# When an Issue is Not a Grievance

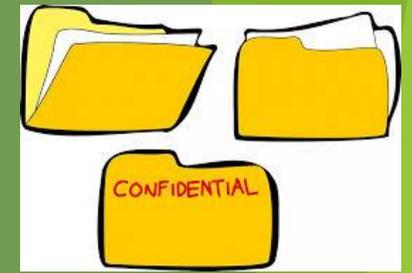
- ✓ Inform the worker of your conclusion in a face-to-face conversation.
- ✓ Provide the employee with the opportunity to explain why they think a grievance should be filed- based on the contract or work rules or other criteria for filing a grievance.
- ✓ Even in cases where it might not be appropriate or effective to file a grievance, it is likely that a problem still exists. Talk with other stewards and employees to see if a broader problem exists.
- ✓ Hold an informal meeting with management and the affected employee(s) to see if a resolution is possible.
- ✓ Work with a group of members to develop an action plan to solve the problem outside the grievance procedure.



SAYING  
**NO**  
MEANS  
YOU  
**KNOW**  
*your limits*

# Grievance Preparation

- ▶ Review your evidence; fill in any gaps.
- ▶ Distinguish between allegations and opinions on the one hand and facts on the other.
  - *(Example: Allegation -"Sarah gets most of the overtime." Fact -"Sarah worked overtime on the 7th, 14th, 21st and 28th of last month for a total of 16 hours.")*
- ▶ Research the local's grievance file for any past grievances on similar situations.
- ▶ Discuss the grievance with other stewards, officers, or staff.
- ▶ Attempt to resolve the issue through informal resolution.
- ▶ Write the grievance.
- ▶ Prepare the grievant for the grievance meeting with management.
  - Describe the setting, who will be there, and how the grievance will be presented. Review with the grievant what they will and will not say during the meeting. Some stewards role play the hearing with the grievant.
- ▶ Anticipate management's arguments, questions and point of view. Know how you and the grievant will respond to each of these.



# Grievance Presentation

Remember your objective: to secure a fair settlement at the lowest level possible.

- ▶ Act as an equal to management. This is your right when representing members.
- ▶ Remember, this is your meeting and your agenda.
- ▶ State the problem and the union's position clearly. State the remedy you seek.
- ▶ Stick to the facts of the case when making your presentation. Keep it brief and to the point.
- ▶ Listen! You may gain new information or hear an opening for resolution.
- ▶ If possible, narrow the focus of the dispute and look for areas of compromise and settlement.
- ▶ Do not bluff or make threats.
- ▶ Help the other party "save face" if you can, but not at the expense of the contract or the grievance. Resist the temptation to "punish" the supervisor.
- ▶ Ask that any settlement of the grievance be put in writing. Get firm commitments on dates and promised actions to resolve the grievance.



# Grievance Next Steps

- ▶ Follow the steps in your grievance procedure
- ▶ Continue to seek resolution at the lowest level possible
- ▶ Adhere to all timelines in your contract
- ▶ Stay organized, and save all relevant documents
- ▶ Adhere to the WFSE Policy on Privileged Confidential Information
- ▶ Educate & involve members in problem solving whenever possible
- ▶ Stay in touch with your council representative or mentor
- ▶ Keep members informed

## Pros and Cons of Arbitration

- |            |                                                                                                                                                                                           |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PRO</b> | Grievance is heard by a third party.                                                                                                                                                      |
| <b>CON</b> | Usually a long period of time passes before the case is heard and decided. It is not a quick process.                                                                                     |
| <b>PRO</b> | Decision is no longer made by someone in management.                                                                                                                                      |
| <b>CON</b> | Lower steps in the process tend to become a “going-through-the-motions” formality where little effort is made to resolve the problem.                                                     |
| <b>PRO</b> | Decision is final and binding (if this is called for in the contract) and both parties must adhere to the decision.                                                                       |
| <b>CON</b> | There are more compromise solutions, which may mean that justice is compromised.                                                                                                          |
| <b>PRO</b> | Decision can establish a precedent so the union doesn’t have to file grievances again and again on the same issue.                                                                        |
| <b>CON</b> | Arbitration decisions can set a permanent, bad precedent for the union in “grey areas” of the contract.                                                                                   |
| <b>PRO</b> | By appealing grievances to arbitration, the union can gain respect from management by showing it will fight hard to defend employees’ rights.                                             |
| <b>CON</b> | It costs money to take a case to arbitration. In addition to other costs, arbitrators charge a fee for their services. In most contracts, the union splits those costs with the employer. |

# WFSE Grievance Committees

- ▶ Local Grievance Committee
  - Local Grievance Committees are responsible for determinations on requests for grievance processing through the top General Government agency/ Institution of Higher Education step.
  - A non-support decision of a local grievance committee may be appealed to the council grievance committee.
- ▶ Statewide Grievance Committee (SWGCG)
  - The SWGCG determines grievance processing and representation beyond the General Government agency/ Institution of Higher Education step.
  - The SWGCG hears appeals from local grievance committees.
  - The SWGCG approves or denies requests for alternative dispute resolution procedures that would incur a cost.
  - Grievances already heard by the SWGCG may be brought back for reconsideration if certain extraordinary conditions exist, as defined in the WFSE Grievance Policy.

Stewards should refer to the official WFSE Grievance Policy for additional information.