

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

Policy for Processing Grievances

A. 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 General Government (GG) agency/Institution of Higher Education (IHE) step.

B. 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 local union or council area office.
- b. The bargaining unit employee will provide to the representative designated by the local union, access to all information the Union deems pertinent. 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 terminate representation.
- 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. The employee may seek review of the decision through the local union grievance committee. In such cases, the employee is responsible for contacting the local union grievance committee within the time frames required by the relevant grievance procedure.

C. Responsibilities of Grievants

1. It is required that the grievant follow the appropriate grievance procedure in effect for that grievant's bargaining unit.
2. The grievant will fully cooperate in the grievance investigation and processing as stated in B.2. above. Failure to cooperate may be grounds to terminate representation.
3. 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.
4. When necessary, the grievant will participate in all steps of the grievance procedure, including a fair consideration of all resolution options.
5. Monetary awards or settlements may be subject to payment of applicable dues or fees.

6. The grievant will refrain from any noncooperative, 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 terminate representation.

D. Responsibilities of Stewards

1. 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.
2. 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.
3. After investigation, if the steward determines that the grievance does not have merit, the steward will advise the employee of the decision and of the right to seek a review by the local union grievance committee. 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.
4. The steward will participate in the grievance committee process, including notifying the committee of any grievance requests and filed grievances.
5. If the steward or a grievance committee decides that the grievance has merit, the steward will file and process the grievance until the staff representative/attorney assumes responsibility. The steward may assist the staff representative/attorney until the grievance is resolved.
6. The steward will provide on-going assistance, including forwarding all notes, files and relevant documents regarding the grievance, to the staff representative/attorney.

E. Responsibilities of Grievance Committees

1. Local grievance committees are responsible for determinations on requests for grievance processing through the top GG agency/IHE 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 top GG agency/IHE step.
2. The council will establish a council grievance committee. The council grievance committee will: 1) determine grievance processing and representation beyond the top GG agency/IHE step; 2) hear appeals from local grievance committees; and 3) approve or deny requests for alternative dispute resolution procedures that would incur a cost.
3. Grievances already heard by the council grievance committee for processing beyond the top GG agency/IHE 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.
4. Decisions of the council grievance committee will be final.

5. 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.
6. Grievance committees will review and make a determination on all requests for processing grievances appropriate for review by that grievance committee.
7. Grievance committees will inform the grievant, steward and staff representative/attorney of the intent to review the request for continued processing of a grievance.
8. Grievance committees will consider recommendations from stewards and staff representatives/attorneys.
9. 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.
10. Prior to issuing a decision not to continue to process a grievance, the committee will provide the grievant an opportunity to address the committee.
11. Grievance committees will maintain a written record of the decision on each request.

F. Responsibilities of Staff Representatives and Union Attorneys

1. Once a staff representative and/or union attorney assumes responsibility for a grievance in accordance with established union procedures (for the staff representative, normally at the top GG agency/IHE step of the grievance procedure), 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.
2. 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 when needed.
3. Staff representatives will report back to the local or council grievance committee on the eventual outcome of the grievance.
4. Staff representatives will be accessible to stewards and grievance committees for advice and assistance regarding the processing of grievances.

Modified and adopted by the Council 28 Executive Board October 3, 2013
Modified and adopted by the Council 28 Executive Board July 18, 2009
Modified and adopted by the Council 28 Executive Board on July 15, 2006
Adopted by the WFSE/AFSCME Council 28 Executive Board July 15, 2005

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., nonrepresentatives). 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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