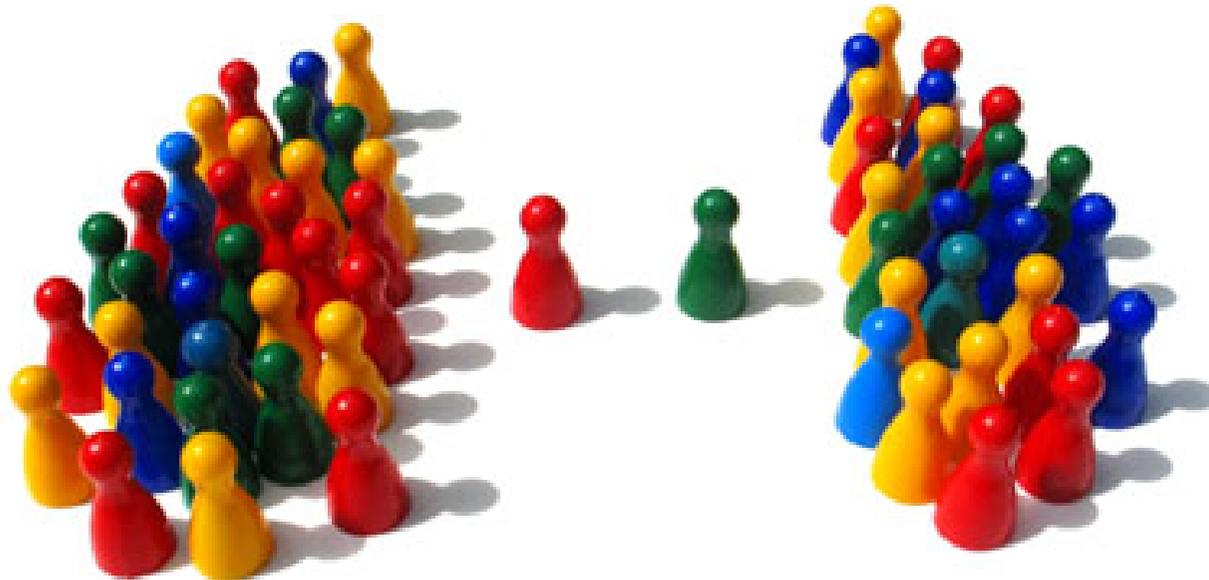


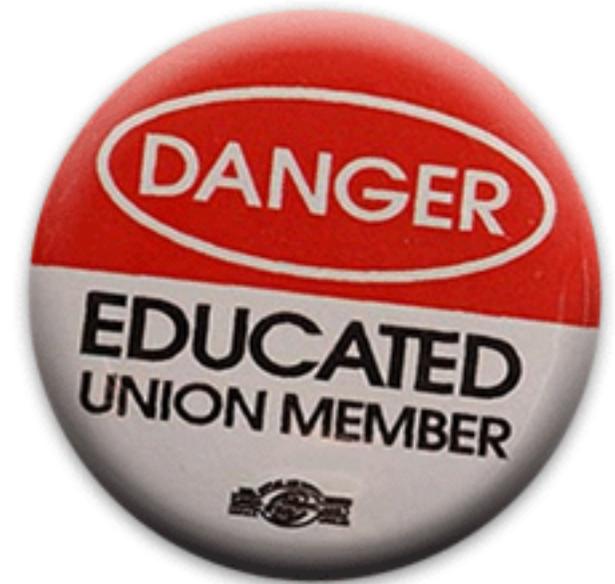
Filing and Handling a Grievance to Arbitration

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Role of Grievances

- Union service to members
- Enforce rights
- Empower employees in the workplace
- Low cost way to bring workplace problems to light and protect employee claims while attempting to resolve issues (loses "low cost" benefit at arbitration).



Is it a Grievance?

- Does it concern any matter relating to employment?
- Does it concern a claim of breach of the collective bargaining agreement?
- Does it concern a violation or misinterpretation of any law, rule or regulation?

-BUT-

- Is a grievance on this issue specifically excluded in your collective bargaining agreement?

Investigation of the Claim

Questions to Ask:

- When?
- Who?
- Witnesses
- What?
- Why?
- Where?
- Anyone else involved?
- What happened? What was lost?
- Past practice?
- What CBA provisions apply?
- What remedy?
- Have you discussed this issue with anyone else?



Union Considerations

- Would this grievance impact other employees?
- Have grievances on this type of issue gone to arbitration before? What was the result?
- Is this the type of grievance that should or should not go to arbitration?
- Should this issue be resolved in another forum? OEA/PERB etc.



Writing the Grievance

- Do not write the grievance so narrowly that you exclude other events or information that may come to light during the grievance process.
- Cite all related portions of the collective bargaining agreement and any applicable laws, rules or regulations.
- Make sure that all harmed employees are covered.
- Make the request for a remedy very broad
- Never concede anything related to the grievance in the written grievance - that can come later.
- Avoid statement of anger or accusations



Presenting the Grievance

- Open the meeting as opportunity for problem solving
 - You are interested in resolving this issue at the lowest step
- Have a list of questions to be answered by management
- Work out with grievant in advance when you are to speak and when he/she is to speak.
 - Ensure that employee has an opportunity to participate
 - May want to have "signal" for cutting off the employee
 - Be supportive of the employee
- Do not allow management to go on the attack.
- Make sure there is enough time scheduled to go over the case
- Make a record of management's claims, defenses, and explanations

Additional Considerations

- Timeliness and adherence to procedures set forth in the collective bargaining agreement.
- Election of remedies
- Appropriateness of forum



Fact Pattern

An employee comes to you with a 7 day suspension for a charge of AWOL with 12 specifications and a charge of inappropriate conduct for an altercation with a co-worker.



What the Local Must Know Before Invoking Arbitration

- Know the facts of the case and all of the evidence presented by both sides
- Understand that arbitrator's decision is binding and no one has control over what the decision will be.
- You are representing the best interest of the employee and the union. The employees may be unfamiliar with the process and possible outcomes.
- Be realistic about the possible outcomes.
- Know that not all grievances advance to arbitration.
- A decision not to arbitrate must be based on:
 - The merits of the case
 - Affect on the Local
 - Cost versus benefit
- A decision not to arbitrate must not be based on discriminatory reason.