



Ensuring Due Process

You are taking a new job with the hope that you will provide an important public service and you will undoubtedly perform the job to the best of your ability. In most cases, you will find coworkers and supervisors who share your commitment and work ethic. But in any place of employment there can sometimes be those in management who don't treat employees fairly. In non-union workplaces, an employee can be disciplined for any reason or no reason at all. But in this workplace, where you are represented by a union and have the assurances provided by a union contract, management cannot violate your rights or discipline you unfairly. All members have the right to have a union representative in any meeting with a supervisor that might lead to discipline, and the employer cannot discipline an employee without "just cause." If you are disciplined wrongly or your contractual rights are violated, you can initiate a grievance in which the union will represent you in seeking to overturn management's actions.

What is a grievance?

A grievance is a formal objection to any management violation of the collective bargaining agreement, agency or department work rules, policies or procedures; federal, state and local laws (if referenced in the contract); health and safety regulations; or "past practices." The union can also file a grievance over unjust disciplinary action or unequal treatment of an employee or group of employees. A grievance is filed by the union on behalf of an individual employee or on behalf of all or a subgroup of represented employees.

How can I pursue a grievance?

Not all problems at work are grievances per the standards above. Contact the steward at your worksite if you believe a grievance should be filed on your behalf. Your steward will work with you to determine if a potentially valid grievance exists and if it does, to document, write and present the grievance to management.

How does the grievance process work?

There are several steps in the grievance procedure, each one providing an opportunity to settle the dispute. The steps vary depending on the specifics of your union contract with your employer, but usually include:

1. **Step 1:** Oral or written presentation of the grievance to a supervisor. If the grievance is denied:

2. **Step 2:** The written grievance may be presented to an intermediate level supervisor. If the grievance is denied:
3. **Step 3:** The local union leadership determines whether to send the grievance to a higher level. This could be a different or higher level supervisor or a joint union-employer committee. If the parties cannot come to an agreement:
4. **Step 4:** An arbitration hearing may be held if the Council 31 collective bargaining specialists determine there is a reasonable chance of prevailing on the merits of the case. In an arbitration procedure a neutral third party (the arbitrator) hears arguments from both the union and management and makes a decision about the grievance that is binding on both parties.

When considering taking a case to arbitration, the union has to carefully evaluate the chances of prevailing as a bad arbitration decision can set a harmful precedent for many other workers.

Union attorneys or other staff act on behalf of the union as a totality in each case, not as a personal attorney for the individual grievant.

How long does it take for a grievance to move through the process?

The amount of time that it takes varies from contract to contract and depends on many factors, such as the need to seek documentation, explore settlement options, research bargaining history, even the availability of arbitrators and witnesses. It can take a few weeks to many months, or even a year or more depending on the complexity of the issue and the responsiveness of management in providing information and scheduling hearings. (Some contracts have expedited processes in the case of termination.)

Are settlements ever negotiated?

Sometimes a grievance settlement can be negotiated e.g., both sides agree that a two-week suspension will be reduced to a two-day suspension. The union will carefully weigh the chances of success in arbitration to determine if a negotiated settlement is the best course. If management will not agree to the union's proposed resolution of the grievance, the union's options are to 1) take the case to arbitration if it is strong enough 2) withdraw the case without setting a precedent if it does not think it can win in arbitration or 3) negotiate the best settlement possible.

Keep in touch with your steward

If you have questions about the grievance process, any of the terms used in this fact sheet, or the status of your grievance, don't hesitate to contact your worksite steward. He or she is the best resource for information and will often be able to provide you with current information on the status of your grievance.