

GRIEVANCE INFORMATION
TABLE OF CONTENTS

Your Guide to Grievances	2
• Foreword	3
• Deciding what is a Grievance and what isn't	4
• Grievance Procedure Steps	5
Grievance Example	6
Grievant Information Sheet	7
Grievance Checklist	9
Grievance Tracking Form	12

Your
GUIDE
To
GRIEVANCES

FOREWARD

Grievance handlers are union representatives who are elected by men and women in their departments or agencies to handle members' grievances. You are these people. You are the cornerstone of OUR union.

In addition to handling grievances, YOU must be negotiators, organizers, leaders and educators.

Skills are acquired through study and experience. You, as the grievance handlers need guidelines and up-to-date factual information to make sound judgments and recommendations in order to represent our membership properly.

Since we have collective bargaining, we have a voice. We, as workers, are no longer subject to arbitrary decisions and abuses of management. It is through you, the grievance Handler that our voices are heard.

Through this study guide, you will be better prepared "grievance handlers" in the performance of your many duties and responsibilities.

Remember you are the front line of defense, the "mover and shaker" for this union cause and the rights of our members. This guide will give you a ready reference to assist you.

DECIDING WHAT IS A GRIEVANCE AND WHAT ISN'T

YOU MUST HAVE ALL THE FACTS. The cases you will be handling for your members will have to be based on facts. All facts are important and should be jotted down. The more background information you assemble the better your chances of winning the grievance.

WHAT YOU DECIDE IS IMPORTANT. Many cases you will investigate may not become a grievance, because there are gripes <complaints> which you cannot resolve regardless of what you do. You should decide each case on its own merits and act accordingly. The best Grievance Handler is the one who makes a decision and does not try to “pass the buck” to someone else.

GRIEVANCES CAN BE REAL OR PERCEIVED. We are human. We come to work with much on our minds. When we bring you problems, it will be your questions and our answers that will help you decide how real the grievance is or how to solve the problem. Your decision should only be made after careful thought and study.

It is your task to carefully investigate real grievances. If you are to win, careful consideration of the merits of each case and skillful presentation are essential.

KNOW YOUR CONTRACT. Each contract is a little different and so are its interpretations. Your contract should become as familiar to you as the face in your mirror. Study it and ask questions of those who know the interpretations until you are fully informed.

WHAT IS A GRIEVANCE? A grievance is a VIOLATION of either the contract, supplementary agreements, federal labor laws, health and safety regulations, Federal Labor Relations Assn. Rulings, arbitration's or umpire decisions, past practice and policies, or employer's own regulations.

A condition which unfairly imposes a financial, mental or physical hardship on the worker.

Grievance procedure steps

1st step grievance - is submitted by the steward or VP to the employees immediate supervisor. If the grievance is not resolved at this step, the steward then files it at the second step.

2nd step grievance – is submitted to the employee's second level supervisor. This supervisor can be the final step of the grievance in that they are the deciding

3rd step grievance - is submitted to the Director of the Office of Indian Education programs by the field representative. If the grievance is not resolved at this step, the field representative then invokes arbitration.

Arbitration - is approved by the executive council. If a case is considered arbitrable and approved by the executive council to go forward with the arbitration, the field representative represents the member at arbitration.

Arbitration appeal - If the arbitration is denied, the Executive Board then can choose to pass this case on to the union's attorney to appeal the decision of the arbitrator.

EDUCATION

1) **This** letter will serve as a first step grievance to the letter of reprimand dated March 12, 1999.

2) **Grievant:** *employee name*

Teacher, Crownpoint Community School
P O Box 178
Crownpoint, NM 87313

3) **Date** of alleged incident: for the first paragraph February 3, 1999

4) **Description of the facts of the grievance:** *actually take the letter of reprimand Paragraph by paragraph.... Quote it...then answer each allegation. (Have your proof ready and copies attached to the grievance)*

5) **Provision of the agreement violated:**

(always quote the part about investigating properly)

We charge management with violating the following: 62 BIAM 11.77D (2)

"Gathering, analyzing and carefully considering all facts and circumstances before taking or recommending disciplinary or discharge actions and assuring that efforts are made to minimize the impact of non-disciplinary discharges. Also, 62 BIAM 11.79 D *et.al*, "The specifics of a charge will be described in as much detail as possible, **after** conducting an in depth investigation to obtain and document the offense with as much specificity as possible.

Example: On the second portion of this letter of warning, I submit that actually two items have been violated at this time. 62 BIAM 11.77B and 62 BIAM 79D et.al.

6) **Resolutions**

I request that this letter of warning be removed from my school files. **That I remain free of restraint, interference, coercion, discrimination or reprisal in presenting this grievance. To be made whole, to include the union dues not paid due to lack of wages or underpayment.**

I, _____, am representing _____ in this grievance procedure, please respond to me at the following address:

Sincerely,

your name & title

FOR UNION USE ONLY, PLEASE KEEP IN GRIEVANT'S FILE

GRIEVANT INFORMATION SHEET

GRIEVANT INFORMATION

NAME OF GRIEVANT _____

ADDRESS OF GRIEVANT _____

CITY _____ STATE _____ ZIP CODE _____

WORKSITE _____ JOB TITLE _____

WORKSITE ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

HOME PHONE (____) _____ WORK PHONE (____) _____

IMMEDIATE SUPERVISOR: _____

(address & phone)

SECOND LINE SUPERVISOR: _____

(address & phone)

GRIEVANT'S BARGAINING UNIT CODE: _____ (attach wage and earnings statement)

STEWARD INFORMATION

STEWARD REPRESENTING GRIEVANT _____

STEWARD PHONE NUMBER _____

STEWARD CONTACT INFORMATION (address etc) _____

GRIEVANCE INFORMATION

Attach Grievance checklist and 5 "w's" all investigative information, substantiating evidence, any union evidence.

WITNESSES OR OTHERS INVOLVED IN GRIEVANCE: (and how to contact them)

REMEDY REQUESTED: _____

SIGNATURE OF EMPLOYEE: _____

SIGNATURE OF UNION STEWARD (REP) _____

GRIEVANCE CHECKLIST

Grievant's name: _____

Grievant's job title: _____

Grievant's job location: _____

Address of job location: _____

Phone number of job location (Including area code): _____

Immediate supervisor or deciding official:

Immediate supervisor or deciding official's address and phone number (including area code):

Article(s)/law/rule/regulation violated: _____

Attach copy of that article/law/rule or regulation.

Date of Knowledge: _____

Your name (Steward) _____

Your information (address, phone, how do I contact you?)

Is this a workplace grievance? _____ (file with immediate supervisor)

Is this a disciplinary grievance? _____ (file with the lowest level management official with the authority to resolve the issue) If this official is the deciding official and the grievance is denied, immediately send the whole file to your staff representative for invocation of arbitration)

Is this an adverse action grievance? _____ (file this with the Supervisor of the Deciding Official, unless the deciding official has final authority for removals in this area of the organization. If this grievance is denied, skip to invoking arbitration)

STEP 1

Must be **received** (date stamped) within (21) twenty-one days from date of knowledge. Authorization to represent must be attached or presented at time of discussion.

Date Grievance filed or discussion took place: _____

Copy of written grievance attached, or notation of what transpired in meeting attached

Name of supervisor grievance filed with or meeting held with:

Date written decision due: _____

Must be within (14) fourteen calendar days after grievance filed or meeting held.

Date written decision received (attached): _____

Result of step 1 grievance: _____ resolved
_____ not resolved, sent on to 2nd step
_____ Written decision not received, grievance sent to
2nd step.
_____ Withdrawn or closed (Reason attached)

STEP 2

Must be filed within (14) fourteen calendar days of first step response or date response due and no response received.

Date 2nd step grievance filed: _____ (attach copy)

Official grievance filed with: _____

Address and phone number also

Date of discussion (if any): _____

Step 2 response due: _____

Response due (14) fourteen calendar days from date filed by the union.

Result of step 2 grievance: _____ resolved
_____ not resolved, sent on to 2nd step
_____ Written decision not received, grievance sent to
3rd step.
_____ Withdrawn or closed (Reason attached)

STEP 3

Remember if you have filed this grievance with the deciding official, arbitration must be invoked and this file must be sent to your staff representative. If on the other hand there is another level of supervision yet to go, then DO file step 3.

Must be filed within (14) fourteen calendar days of first step response or date response due and no response received.

Date 3rd step grievance filed: _____ (attach copy)

Official grievance filed with: _____

Address and phone number also

Date of discussion (if any): _____

Step 3 response due: _____

Response due (14) fourteen calendar days from date filed by the union.

Result of step 3 grievance: _____ resolved
_____ not resolved, arbitration invoked
_____ Written decision not received, arbitration
invoked
_____ Withdrawn or closed (Reason attached)

ARBITRATION

Not all grievances are arbitrated. You must invoke arbitration though if the grievance has not been resolved or answered.

Letter invoking arbitration filed: _____ (attach copy)

Official letter filed with: _____

Address and phone number also

REMEMBER THE GRIEVANCE ONLY GOES AS FAR AS THE DECIDING OFFICIAL...YOU
MUST ASK AND FIND OUT WHO THIS IS.....A GRIEVANCE CAN BE AS MANY AS 3 STEPS
OR AS LITTLE AS ONE STEP....

GRIEVANCE TRACKING/CASEWORK FORM

Last Updated:

	AGENCY	EMPLOYEE NAME JOB TITLE	CASE STATUS / LEVEL ETC.	COMPLAINT	NOTES
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					