

The Grievance Process: It's Not What You Think

One of the most useful tools a contract provides you with is the grievance procedure. Often employees think filing a grievance will label them as a "troublemaker," but really the grievance process is just that—a process we use to resolve violations of our rights in a professional, orderly manner. Knowing how to use the grievance procedure effectively can save you a lot of grief.

What is a grievance?

Typically, CSEA contracts define a grievance as a "formal written notice" that an employee has been adversely affected by "misapplication or incorrect interpretation" of the contract. Some contracts also allow you to grieve violations of law and of past practice.

The best defense is a good offense

You have the right to have a union representative present at all levels of the grievance procedure. Employees should take advantage of this right because, just as you wouldn't go into court without a lawyer, you shouldn't file a grievance without the benefit of representation.

CSEA representatives (job stewards and field staff) have the necessary experience and training to help you plan the best strategy for resolving your problem. They know if there have been similar problems elsewhere and they have the technical knowledge of the contract and the laws to help you protect your rights.

The grievance process protects our rights

Most CSEA contracts contain a three-step grievance process. However, some contracts state that before filing a formal written grievance, you should attempt to resolve the matter through an informal conference with your immediate supervisor.

Level I—Within a certain number of days after the violation occurs (or after you know or you should have reasonably known it occurred) you must present your grievance in writing—usually to your immediate supervisor.

Level II—If you're not satisfied with the Level I decision, you may appeal the decision—usually to a mid-manager or to the superintendent or his designee.

Level III—In some contracts, chapters have negotiated arbitration with a neutral third party. If you're not satisfied with the decision at Level II, you may request in writing that CSEA appeal the grievance. CSEA will notify the district whether we intend to submit the grievance to arbitration. The decision of the arbitrator is either binding (the parties are obligated to accept the arbitrator's decision) or "advisory," wherein the parties are free to decide whether to accept the arbitrator's recommendation.

As you can see, the grievance procedure is there for us—but only if we use it. Take a moment to review the grievance procedure in your contract.

Has the employer violated your rights?

If you feel the employer has violated your rights, contact a job steward, chapter officer, or CSEA labor relations representative. You may be able to file a grievance or pursue civil action.

Dear Employee:

Your CSEA representative is here to help you. There are several things that you should begin doing (if you have not already done so) and some things to keep in mind as we work to resolve this issue for you.

Job Stewards are **VOLUNTEERS**. We volunteer to do this job because we care about you and we know that during times of difficulty you need to know that someone is on your side. We must limit our conversations with you during the work day to our break and/or lunch periods. If it is necessary, we will provide you with a contact phone number for after work hours.

Help us help you. Check your contract to determine if there is an actual contractual violation. We know our contract, but we haven't memorized it. Your assistance in identifying the article which has been violated will be of tremendous help to your case. Please note, however, that all of our rights aren't outlined solely in our contract, and that's where our expertise will come in.

At times it will be necessary for us to request assistance from a local CSEA field office. When this becomes necessary, please be patient and know that this may be necessary in order to provide you with the best representation possible.

Pay careful attention to **TIMELINES** in the contract. **DON'T WAIT** for things to get better on their own before you contact us. At times a missed deadline is a **MISSED OPPORTUNITY**.

DOCUMENT, DOCUMENT, DOCUMENT! Whenever possible, keep documentation of dates/times, witnesses, what was said/done, correspondence, or any other important information related to your grievance. Don't wait until you need the documentation, by then it may be too late. **START NOW!**

We **ARE NOT** counselors, lawyers, or mind readers. We need to know what the **FACTS** are so that we can represent you better. Please be as forthcoming as possible and don't surprise us (or let the District surprise us) with important details later on.

KNOW YOUR RIGHTS!

If a supervisor calls you into a meeting, you may have reason to have your union representative present. **These are your rights:**

- You have the right to know the purpose or subject of the meeting.
- If you think the meeting might lead to discipline, reprimand or dismissal, you have the right to union representation.
- Immediately notify your job steward or other union representative of your meeting with management.
- If the purpose of the meeting is investigatory and could lead to discipline and you have requested union representation, the employer must stop the meeting or reschedule it until a representative is present.
- **YOU MUST ASK FOR UNION REPRESENTATION.** The employer does not have to advise you of your rights.
- If you request union representation and it is denied, you have the right to refuse to answer any questions that could be used against you. However, **DO NOT REFUSE** to attend the meeting. **CONTACT** your representative immediately.

REMEMBER, you must demand your right to union representation.

CSEA CHAPTER 535 Initial Unit Member Request

Chapter 535 File #
Copy returned to employee (date)

Bargaining unit employees are requested to complete this form concerning their question, problem, or grievance. **PLEASE BE SPECIFIC** and indicate what solution you desire. Please remember that CSEA represents you, the employee, and all information provided will be kept confidential. Upon completion, return this form to the CSEA representative who provided it to you or:

Job Steward/Chapter Contact:

Job Steward or Representative Name	Location	Phone

Employee Information:

Your Name	Work Location (Department & Campus)	Date		
Job Title	Work Phone	Home Phone		
		Supervisor's Name		
Number of hours worked per day	Lunch Time	Break Time(s)	From	To
			Work Hours	
				Best time to contact you

Incident Information:

What is your question, problem, or grievance? (Attach additional sheet if necessary.)

What article of the contract do you believe has been violated?	
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Date(s) above took place	
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Witnesses to above event (if any)	
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What action have you taken (if any) to attempt to resolve the above? (Include names of all persons you have contacted)
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What is the resolution you desire?

Acknowledgement/Authorization:

Provided that the above request involves an employment relations matter between me and the District, I request and authorize CSEA to represent me and authorize CSEA access to any records or personnel files dealing with my employment.

I have read and understand CSEA Policy 606, which is printed on the reverse side of this form.

Employee Signature		Date	
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Received by (for) CSEA		Date	
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