

Writing a Grievance Learning Exercise for Stewards



OBJECTIVES: Learn best practices for grievance writing; Practice grievance writing; Receive feedback to improve grievance writing skills

CONTENTS:

PART 1: A Well-Written Grievance

PART 2: Grievance Writing Exercise

EXERCISE INSTRUCTIONS:

- 1) Read the information provided in Part 1, and complete the Well Written Grievance exercise
- 2) Complete the Grievance Writing Exercise in Part 2
- 3) Request feedback on your written grievances from a peer, chief steward, mentor, or council representative.

APPRENTICE STEWARDS: Writing a Grievance is a Core Competency for becoming a Journey Representation Steward. Apprentice stewards should email the completed exercise to your mentor and request feedback. Make revisions as suggested and return to your mentor for additional feedback.

JOURNEY STEWARDS: If you are a steward seeking more experience with Grievance Writing, you can complete this exercise and go to your Chief Steward or Council Representative for assistance or feedback.

MATERIALS NEEDED:

- A copy of your Collective Bargaining Agreement

PART 1: A WELL WRITTEN GRIEVANCE

After you identify a grievance, investigate the facts, assemble relevant documents, and attempt informal resolution on an issue, you may determine it is necessary to file a formal grievance. Here are some tips for writing your grievance:

A well-written grievance is concise and includes:

- ✓ The specific violation(s) of the contract- all articles that apply
- ✓ Violations of policy, work rules, law, or past practice that apply
- ✓ Informal resolution attempts
- ✓ The nature of the grievance and pertinent facts
- ✓ A clearly stated remedy

A well-written grievance should not include:

- × Lengthy explanations
- × Our union's arguments, evidence, or justifications
- × Personal opinions or feelings

Making a Grievant Whole

When appropriate, conclude the remedy by asking the grievant be made whole.

This means that the grievant is treated as though management never took the improper action. Being made whole covers all the bases, so the steward doesn't have to remember each and every possibly injury when writing the grievance.

- *EXAMPLE: In a discipline case, the grievant would be restored to the status they had before management took the action.*
- *EXAMPLE: In a case where overtime was denied, a grievant would be treated as though management took action. The grievant would obtain all back pay and benefits due.*

Complete the grievance form with the knowledge and assistance of the grievant. Have the grievant sign the grievance form.

Make a copy of the grievance form before submitting it to management, and add it to your file on the grievance. Keep your mentor or council representative informed.

Stewards can request assistance in grievance writing from chief stewards, mentors, council representatives, or by calling the MCC at 833-MCC-WFSE/833-622-9373.

A Well Written Grievance: Exercise Contract Language Case

1. Read both grievances, and select the option that is best.

OPTION A:

Article(s) and Section(s) of the CBA violated, misapplied and/or misinterpreted:

6.3B, 6.3G, and 25.1

Nature of the grievance and facts upon which the grievance was based.

On February 15, 2018, management disrespected the grievant by refusing to give her an alternate workweek. Our union has evidence that management is making arbitrary decisions about who receives approval for alternate workweek. The grievant feels that her supervisor does not like her.

On March 1, 2018 management refused to settle the agreement informally.

Specific Remedy Requested.

Management will grant the requested alternate work week.

OPTION B:

Article(s) and Section(s) of the CBA violated, misapplied and/or misinterpreted:

6.3B, 6.3G, and 25.1

Nature of the grievance and facts upon which the grievance was based.

On February 15, 2018, management inappropriately denied the grievant's request for an alternate workweek.

On March 1, 2018 the grievant and her steward met with the grievant's supervisor in an unsuccessful attempt to resolve the issue.

Specific Remedy Requested.

Management will grant the requested alternate work week and the affected employee will be made whole, and any other remedy agreed upon by all parties.

2. Which option is best? Option A Option B
3. Why?

A Well Written Grievance: Exercise Discipline Case

1. Read both grievances, and select the option that is best.

OPTION A:

Article(s) and Section(s) of the CBA violated, misapplied and/or misinterpreted:

2.1, 27.1, and 39.2A

Nature of the grievance and facts upon which the grievance was based.

On February 6, 2018, the grievant was given a letter of reprimand by management. This was done without just cause and in retaliation for the grievant's carrying out his union steward duties.

On February 26, 2018 the union president met with management to try to resolve the issue but was not successful.

Specific Remedy Requested.

Management will immediately remove the letter of reprimand from any and all files and the affected employee will be made whole, and grant any other remedy agreed upon by all parties.

OPTION B:

Article(s) and Section(s) of the CBA violated, misapplied and/or misinterpreted:

2.1, 27.1, and 39.2A

Nature of the grievance and facts upon which the grievance was based.

On February 6, 2018, the grievant was given a letter of reprimand by management. Everyone knows this was done to punish the grievant for being a union supporter. Management has always gone after the grievant for union activities. Multiple witnesses have signed statements in support of this claim.

Specific Remedy Requested.

Management will immediately drop the discipline and grant any other remedy agreed upon by all parties.

1. Which option is best? Option A Option B
2. Why?

PART 2: GRIEVANCE WRITING EXERCISE

Read the following prompts, and write a grievance in the forms below. Consult your contract for relevant articles.

1) Workplace Behavior & Performance Evaluations

Cathy is a member with 25 years of experience on the job. Cathy is experiencing disrespectful behavior from her supervisor of 5 months and received a negative performance evaluation on 3/28. Cathy has handwritten notes and witness statements documenting a pattern of disrespect from her supervisor toward Cathy. Several other senior members are being targeted by the supervisor. Cathy's performance evaluation referenced problems with her work that she was never made aware of. Furthermore, Cathy has copies of unanswered emails she sent to her supervisor requesting assistance with those areas of her work. Attempts at informal resolution were unsuccessful.

2) Discipline & Just Cause

Terry's workplace has a 'no smoking' area all around the building, and there is a designated smoking area on the far side of the parking lot. When it is raining, workers often smoke away from the building's entrance in a wooded area that is still within the 'no smoking' area. Multiple witnesses have confirmed that management was aware of this practice, and there are no discipline records on file for this issue. Your union has requested multiple times for management to fix the roof on the smoking area. Terry received a written reprimand for smoking in the wooded area on 10/15. Attempts at informal resolution were unsuccessful.

3) Vacation Leave Balance

In order to avoid losing accrued vacation leave, Frankie requested 3 weeks off in June. The request was approved in May. Frankie's vacation was cancelled at the last minute when a co-worker became ill, but Frankie was unable to reschedule. On Frankie's 20th anniversary on the job, June 30th, their leave balance was 270 hours. On July 2nd, their leave balance was down to 240 hours. Attempts at informal resolution were unsuccessful.

OFFICIAL GRIEVANCE FORM

WASHINGTON FEDERATION OF STATE EMPLOYEES, AFL-CIO

Grievance #

Local:

Date filed:

Name of Grievant(s):

Classification (if known):

Agency or Higher Education Institution:

Supervisor:

Work location:

Appointing Authority:

Directions: Any employee who desires to file a grievance must consult with a Union Representative (Steward/Chief Steward or WFSE Staff) who will complete this form and sign it, in accordance with the appropriate grievance procedure.

Applicable Collective Bargaining Agreement (CBA):

Article(s) and Section(s) of the CBA violated, misapplied, and/or misinterpreted:

Other violations (UW only):

Check one: **Discipline** **Non-discipline**

Nature of the grievance and facts upon which the grievance is based: (State briefly but fully pertinent information such as date, place, who caused the action objected to (if known) and relevant inequitable or unfair treatment. Use additional sheets if necessary. **Number of attached sheets:**

SPECIFIC REMEDY REQUESTED:

Name and Signature of Union Representative:

Grievant's Signature (optional under all CBA's)

Name and Title of Employer Representative Receiving Grievance (**Please print**)

Signature of Employer Representative

Date

Distribution: Employer Representative(s) (in accordance with the appropriate grievance procedure); Grievant; Steward; Staff Representative; Local/Council 28 Grievance Committee

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