

# AFT GUILD, LOCAL 1931

## GRIEVANCE POLICY

*Updated and Approved November 1<sup>st</sup>, 2018*

- I. Statement of Philosophy: Representation of unit members is based upon the principle that every unit member is entitled to contractual and legal due process when a dispute arises in the course of his or her employment. The representation of an individual by the Guild does not indicate that the organization is making a judgment about the conduct of a unit member or about the issue in dispute. The Guild's role is to ensure due process and represent unit members, not to render judgment. Formal grievances may be filed for violations of the relevant Collective Bargaining Agreement (CBA). When disputes arise that are not violations of a CBA, the Guild may endeavor to resolve such disputes, upon request of the unit member. Such non-contractual assistance may include helping to mediate the dispute, assisting unit members in administrative hearings, or pursuing litigation to enforce statutory rights.
- II. Grievance Procedure: Each CBA has a separate grievance procedure which unit members should review carefully, as it governs the process for filing and processing grievances, and any failure to follow the procedures can result in the grievance being denied. (This is one additional reason why it is important to contact your union representative as soon as you feel you might have a grievance.)

As a general guide, and only for illustration (not intended to be an authoritative description), here are the basic steps of the process:

- Step 1. (Informal) The unit member meets with the immediate supervisor in attempt to resolve the grievance within the time limit set forth in the CBA.
- Step 2. If the grievance is not resolved at the informal level, the grievance member presents the grievance, in writing, to the appropriate administrator as indicated in the CBA, and within the time limits set forth in the CBA.
- Steps 3+. If the grievance is still not resolved, it can be timely appealed to the next level manager as set forth in the relevant CBA through the various steps of the grievance process. A grievance that is not resolved at the culmination of the grievance process can ultimately be appealed to arbitration by the Guild.

III. Conditions of Representation:

- A. To request representation by the Guild, the unit member making the request shall submit a timely written request for representation to the Guild's Grievance Chair, the Guild's site representative, or the Guild President.
- B. If the Guild grants the request for representation, the unit member shall:
1. Promptly and fully cooperate with the Grievance Chair or her/his designee, including providing the Guild with any information which the Guild deems necessary for representing the unit member;

2. Be forthcoming and honest with the Grievance Chair or her/his designee about information relevant to the case; and
  3. Take no independent action regarding the case without the knowledge and consent of the Grievance Chair or her/his designee.
- C. Should the unit member fail to follow the above conditions, the Guild may cease its representation of said unit member. In addition, if a unit member refuses to accept a settlement which the Guild considers reasonable, the Guild may cease its representation of said unit member. If the Guild ceases to represent a unit member, it shall notify the member of such decision in writing.
- D. The unit member may also rescind authorization for Guild representation by submitting a written notice to the Guild representative in charge of processing the grievance.

IV. Stages of Representation:

- A. All unit members have the right to pursue any grievance on their own behalf, up to the level of arbitration. In cases of the appeal of discipline, unit members may proceed to arbitration on their own behalf as well.
- B. If the unit member desires representation by the Guild, the Grievance Chair or designee must be present for or have knowledge of the initial informal dispute resolution meeting.
- C. The decision of whether to represent the unit member shall ultimately belong to the Guild. The Guild may exercise its right to withdraw representation at any stage of the grievance process, subject to the considerations set forth in section H below.
- D. A unit member who is being represented by the Guild shall be entitled to Guild representation at all stages of a grievance.
- E. If a grievance is not resolved prior to arbitration, the Guild will decide whether to submit the matter to arbitration, mediation, or neither.
- F. Should the Guild decide against proceeding to arbitration or mediation, the grievant may appeal the matter to the Guild's Grievance Committee within seven calendar days of being notified of the Guild's decision. The appeal shall be in writing and shall clearly state the reasons for appealing the initial decision of the Guild. The Grievance Committee shall then decide, on the basis of the written appeal, whether to reverse the Guild's decision or to grant a closed session hearing with the grievant. If the Grievance Committee sets the appeal for a hearing, it shall decide at the conclusion of the hearing, in executive session, whether or not to proceed to arbitration or mediation.
- G. Should the Guild's Grievance Committee decide against proceeding to arbitration or mediation, the grievant may make a final written appeal to the Guild's Executive Council. The written appeal must be submitted within seven calendar days of receipt of the Grievance Committee's decision. The written appeal must

clearly state the reasons for appealing the Grievance Committee's decision, and why the grievant believes the Guild would win the case in arbitration. The Executive Council shall base its decision to reverse or uphold the Grievance Committee's decision on the written appeal supplied by the grievant. Executive Council members that participated in the Grievance Committee's decision shall be excluded from voting on the appeal to the Executive Council. A simple majority of the remaining Executive Council members eligible to vote shall be required to reverse or uphold the Grievance Committee's decision. If the Grievance Committee's decision is reversed, the matter will proceed to arbitration and/or mediation. The decision of the Executive Council shall be final.

- H. Should the need arise for litigation (whether in appeal of an arbitration, on a matter not subject to the grievance process, or otherwise), the Guild President shall, in consultation with the Guild's attorney, make a recommendation to the Guild's Executive Council as to how to proceed. The Executive Council, by majority vote, shall make this final decision.
- I. In all cases, the decision on whether to proceed with a case shall be made on the merits of the case, its possible impact on other unit members, costs involved, and the likelihood of winning the case. For matters that fall outside the Guild's scope of representation (such as litigation and representation at administrative proceedings), the decision shall also be based on whether the unit member has joined as a member of the Guild.