

AFT GUILD, LOCAL 1931 GRIEVANCE POLICY

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 their 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 only 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. Such non-contractual assistance may include helping to mediate the dispute, assisting 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 that unit members should contact their union representative as soon as they feel they might have grounds for a grievance.)

As a general guide, and only for illustration (not intended to be an authoritative description), here are the basic steps of the grievance 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 unit 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 (or by the member themselves in the cases of appeal of discipline only).

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, Guild Executive Council member, or the Guild President. If the request is submitted to Guild's Grievance Chair or a Guild Executive Council member, the request will be forwarded to the Guild's President for review. The initial determination as to whether or not to grant the request for representation shall be made by the Guild President as the executive officer of the union, in consultation with the Grievance Chair and/or the Guild legal counsel and other relevant Guild site representatives. The Guild President's initial determination shall be provided in writing to the unit member making the request.

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- B. If the Guild President grants the request for representation, the unit member shall:
 - 1. Promptly and fully cooperate with the Grievance Chair or 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 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 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 unit 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.
- E. If the Guild President denies or terminates the request for representation at any stage of the process, the requesting unit member may appeal this decision under section IV, delineated below. The unit member may request that the Guild President re-consider the denial by submitting a written request to the President that includes a detailed statement of why the decision should be reconsidered including, if relevant, a statement of how facts have changed since the initial determination was made. If the Guild President reaffirms the initial denial the requesting unit member may proceed to appeal under section IV below.

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 Guild's Grievance Chair or Guild 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. A unit member who is being represented by the Guild shall be entitled to Guild representation at all stages of the grievance. However, the Guild may exercise its right to withdraw representation at any stage of the grievance process, subject to the considerations set forth in subsections G and H below.
- D. If a grievance is not resolved prior to arbitration, the Guild will decide whether to submit the matter to arbitration, mediation, or neither.
- E. Should the Guild President communicate to the member that the Guild will not be advancing the grievance, the grievant may appeal the matter to the Guild's

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Grievance Committee within seven calendar days of being notified by the Guild President. The appeal shall be in writing and shall clearly state the reasons for appealing the initial determination of the Guild President. The Grievance Committee shall then decide, on the basis of the written appeal, whether to reverse the initial determination 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 an executive committee session, whether or not to proceed to advance the grievance. The Grievance Committee shall communicate their decision to the requesting member in writing via the Guild's Grievance Chair.

- F. Should the Guild's Grievance Committee decide against advancing the grievance, 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 if it went to 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 who participated in the Grievance Committee's decision shall be excluded from voting on the appeal to the Executive Council, but shall be allowed to speak to the merits of the grievance. 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 grievance will continue to be processed to the next step in the grievance procedure with Guild representation. The decision of the Executive Council shall be final and non-appealable.
- G. Should the need arise for litigation (whether in appeal of an arbitration ruling, 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. The decision of the Executive Council shall be final and non-appealable.
- H. 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, the costs involved, whether the matter falls outside the Guild's scope of representation (such as litigation and representation at administrative proceedings), and the likelihood of winning the case.