LOCAL 521 SEIU Stronger Together

KNOW YOUR RIGHTS:

Steward Guide to Starting Grievances

What a Grievance is and How it Works

Union contracts take power away from management, but without a way to enforce the contract, all the power remains with management. Our grievance procedure is the heart of our union contract: it gives our union the ability to initiate “grievances” and resolve disputes where we see management not following our contract.

Grievance Procedure: How it Works

Grievance procedures escalate in "steps" (from early discussions with low-level supervisors all the way up to full-fledged arbitrations), with specific time limits assigned to each step. You must try to meet the requirements of each step within the specified time limits. If you fail to do so, without proper cause, you could lose the grievance on a technicality.

Typically, the progression goes something like this (but check your own contract for any differences):

- **STEP 1** Steward and affected “grievant” meets with low-level supervisor.
- **STEP 2** If no solution, steward, grievant and union staff meets with higher management.
- **STEP 3** If no solution, there may be another meeting as in Step 2, or perhaps a grievance "panel," or else the whole thing may go to:
- **ARBITRATION** Where nobody wants to be, but the problem will get settled here by a neutral third party. (Note: Check your contract—some put the final decision in the hands of management, your Board of Directors, your City Council, etc.)

The decision to go to arbitration will not be made lightly. It will depend on such things as importance of the issue (problem), severity of the case, cost, and chances of winning. Your investigation, notes, and reports will become really important when such decisions have to be made.

Reviewing Your Union Contract: What to Look for in the Grievance Procedure

1. **Definition of a grievance**: What does it say you can grieve? Our contract? And/or employer policies?
2. **Incident date**: can you start a grievance based on the date it occurred—or also the date you learned of it?
3. **Deadline**: How many working/calendar days does it say you have to start a grievance before it is too late?
4. **Last step of the grievance process**: who makes the final decision? A neutral arbitrator, or management?

Role of the Steward

Stewards are the guardians of our rights at work. A steward's role in using our grievance procedure includes:

- Using our grievance procedure to enforce our contract and make management follow the rules.
- Approaching all issues workers bring to them fairly ("duty of fair representation").
- Determining if a work issue is a grievance and assisting the worker through all steps of the grievance process, attempting to reach a resolution at the lowest level.

Investigating a Potential Grievance

Not all problems at work are a grievance, but your role as a steward when a worker brings up a work problem is to help determine what the worker's options are for resolving it. Determining if the problem is "grievable" according to our contract can be the first step.

Remember: we have "**Duty of Fair Representation**" to represent all employees in good faith, regardless of their membership status or who they are, and this applies to investigating if they have a potential grievance.

1. When a worker brings up a work issue that they need help addressing

- Set up a time to meet to discuss it. Check your contract for how to use "release time" to have this meeting during working hours if possible.
- Use our attached "**Steward Intake Form**" (attached at the end of this guide). We want to get the details from them on "the 6 W's" of their issue: who/what/when/where/why/witnesses
- Check your contract for violation and grievance deadlines
- Discuss what the resolution could be and possible outcomes
- Make plans for setting up an informal meeting to resolve it with the employee's supervisor

2. What to do if it's not a grievance

- **Not sure it's a grievance, but it *is* a problem?** Call our MRC for a second opinion. If it's not a grievance, but it is an issue that many workers would unite around, this may be an opportunity to involve your organizer to come up with a plan for how to address it.
- **Is there no basis for a grievance?** This is where a heart to heart conversation will be needed to walk them through why it does not meet our contract's definition of what qualifies as a grievance.
- **Missed the timeline to start the grievance**? If it's an on-going issue, we may still be able to grieve it. You can check with our Member Resource Center on if there are any other creative approaches to "resetting" the timeline so that we can still grieve it, but we should also be real with the worker that the opportunity to grieve this may have passed.

Starting the Grievance: Your Informal Attempt to Resolve the Grievance

Most union contracts require that an informal meeting take place prior to filing a written grievance. At this meeting, a steward and the worker speak with the worker's immediate supervisor and attempt to resolve the issue before having to proceed further in the grievance process.

The Importance of the Informal Meeting: You Are Management's Equal

This is not a meeting we want to skip or take lightly—this meeting is powerful because it gives the steward and our grievant the ability to attempt to resolve or negotiate a solution. This also signals to the boss that there is an active steward paying attention to what happens in their workplace—and that the steward has the power to bring issues to them and negotiate resolutions. Remember: as a steward carrying out these meetings, you are management's equal.

1. Scheduling the Informal Meeting

So you've determined the worker's issue is a grievance. If your contract indicates an informal meeting needs to occur:

1. Schedule release time to have the meeting, according to what your contract outlines under the Steward section, and make arrangements to have the meeting with the grievant and their supervisor.

2. Make it clear that this meeting will be an informal attempt to resolve as outlined in our grievance procedure.

2. What to say at the Informal Meeting

Use our "Informal Attempt to Resolve Grievance" meeting notes at the end of this guide for taking notes.

The meeting is as simple as discussing the grievance as follows:

Role	What to Say
Steward	"Thank you for meeting with us. We want to talk about this situation that happened with [worker] and how we can resolve it. This will be our informal attempt to resolve this as outlined in our union contract's grievance procedure. I'm going to let [worker] explain the situation, and then I'll explain why we believe this is a violation of our contract. After that, we'll talk about what we think would be a solution and see if any agreement can be reached."
Worker	Explains what happened (what the grievance is about).
Steward	Explains how this has violated the contract.
Worker or Steward	States the desired remedy and attempts to discuss possible solutions.
Steward	Wrapping up: reminds supervisor about the timeline for a response.

3. Tips for Negotiating a Resolution: Do's & Don'ts

- Don't agree to anything that would be in violation of the contract.
- Don't agree to a resolution without the worker's agreement to it.
- If there's agreement, ask to receive it in writing.
- If management asks for more time than what the contract indicates: only agree to extend it to a specific date and be sure to have this put in writing.

4. After the Informal Meeting

Look at your contract for what happens next:

- **If management provides a clear response at the informal meeting**:
  This may move us to the next step immediately, which means you'll want to contact our MRC for getting started on preparing for the next grievance step.
- **If we are waiting for management to respond after the meeting**:
  Notify our MRC, and set your calendar for when their response is due. If they do not respond, we can proceed to the next step of the grievance procedure.

No matter what, contact our MRC afterwards to share your notes and update us on what's going on. We will be assisting you through the next steps of the grievance process, but we need to be notified immediately to preserve the grievance timelines.

SEIU 521
MEMBER RESOURCE CENTER
1-833-SEIU-521
RIGHTS | REPRESENTATION | BENEFITS

NEED FURTHER ASSISTANCE?
CALL US | 1-833-734-8521
ONLINE | www.seiu521.org/mrc
FIND ADDITIONAL KNOW YOUR RIGHTS GUIDES ON OUR MEMBERS ONLY WEBSITE: MEMBERS.SEIU521.ORG

STEWARD INTAKE FORM

Steward's Name: _____ Phone _____ Date _____

Name of Worker _____

Address _____ Home Email _____

Cell Phone _____Work Phone _____Ext._____

Employer (County, School District, City, etc.)_____

Department _____Classification _____

Dept. Head _____Immediate Supervisor _____

☐ Permanent ☐ Probationary ☐ Extra Help/Temporary

---

1. What happened? (The story) _____

_____

2. When did it happen? When did the worker find out about it? _____

_____

3. Has the contract been violated? If so, what Section? _____

4. What is the deadline for having an informal meeting? _____

5. Has this been brought up w/mgmt.? Who?_____When?_____

6. Who else is affected by this issue? _____

7. Witness Names & Contact Info

_____

_____

_____

8. Supporting Documents Needed

_____

_____

_____

9. What remedy does the worker want for this problem? _____

_____

10. Will you and the worker be scheduling an informal meeting with the supervisor? When? _____

INFORMAL ATTEMPT TO RESOLVE GRIEVANCE

Informal Meeting Held on Date/Time: _____ **Location**: _____

Union participants: _____

Employer participant(s): _____

Meeting Notes

1. What was presented to the supervisor? (Describing the grievance, article violated, and desired remedy)

_____

_____

2. What was management's side of the story/response? Did they propose any possible settlements?

_____

_____

3. Additional information needed and/or information that you requested at the informal meeting:

_____

_____

4. Was a resolution achieved at this informal step? Describe.

_____

_____

5. According to our contract, will need a response by, or file a grievance by this date: _____

Instructions: Email completed intake form and these meeting notes to MRC@seiu521.org after this informal meeting occurs.

SEIU 521
MEMBER RESOURCE CENTER
1-833-SEIU-521
RIGHTS | REPRESENTATION | BENEFITS

NEED FURTHER ASSISTANCE?
CALL US | 1-833-734-8521
ONLINE | www.seiu521.org/mrc
FIND ADDITIONAL KNOW YOUR RIGHTS GUIDES ON OUR MEMBERS ONLY WEBSITE: MEMBERS.SEIU521.ORG