

A Grievance Checklist for Association Site Reps

Preparation **Request assistance from your Chapter President or Grievance Chair; use this Checklist to help understand the process.**

- ___ Get all the facts from the employee who has the complaint.
- ___ Get details: dates, examples, witnesses, correspondence, etc.
- ___ Ask probing questions so that you can get the full story on the issue.
- ___ Be sure to take notes so you have a record and can check back to verify facts.
- ___ Get additional facts to support the complaint.
- ___ Check school board policies and regulations.
- ___ Determine whether or not there is a legitimate grievance.

IS THE COMPLAINT GRIEVABLE?

- ___ Determine which Article(s) of the contract has/have been violated.
- ___ Gather supportive data.
- ___ Discuss the problem informally with the principal or immediate supervisor in order to reach a settlement.

LEVEL I REPRESENTATION

- ___ Determine what arguments management will make in this case.
- ___ Gather supportive data for your arguments.
- ___ Research back-up information: Contact/review
 - (a) Association files
 - (b) past practice
 - (c) past grievance(s)
 - (d) Association officers and CTA staff

THE PROCESS

Get the Facts:

When a unit member comes to you with an alleged grievance, take time to get the facts. If there is not adequate time at that instant, schedule a time and place that will permit confidentiality and a thorough review. A member will not usually lie to you, although it has and will happen. Human nature will cause their story to be slanted. Therefore, do not be surprised if "Management" has a different perception of what happened. **It is okay to investigate the situation by making inquiries of other unit members to check the accuracy of the complaint.**

Get It in Writing:

It is always helpful to have the Grievant write down his/her interpretation of what has happened. Have the grievant formulate what he/she wants as a resolution. In any case, the Association Rep should take notes at the meeting or immediately following for later reference. This will provide background information in case the Association Rep should need assistance of the Association Grievance Representative or Primary Contact Staff. **Facts win arbitrations, not emotions.**

Let the Process Work:

Don't be the judge of a grievance yourself. **Let the process prove the merits of the grievance.** That is what an arbitrator is paid to do. Your job is to represent the interest of the aggrieved. You may give the member your opinion about the grievance. Should it be handled through the grievance procedure or as a complaint? Use persuasion. **Give the member the benefit of the doubt.**

Grievance Evaluation:

The Association must investigate every grievance, obtain the information needed and make a determination of the most advantageous course to pursue to resolve the grievance. The initial fact-finding phase is conducted by answering the following six questions:

WHO are the persons involved? are the witnesses? Is the administrator in charge? Can resolve the grievance? will stand behind the claim?

WHAT is the real or imagined complaint? Is asserted to have been done or not done? Rule, regulation, or policy has been violated? Are the areas of the Contract that might apply?

WHEN did the incident occur? (Is it within the time limits of the grievance procedure?)

WHERE is the violation alleged to have occurred? Is the appropriate level to enter the grievance?

WHY did it occur? (Is it a result of misunderstanding?) Is such an incident grievable under the terms of the contract, board policy or administrative directive?

HOW is the Association affected? (Does it have a position regarding the provision violated?) has the member been affected? Have such matters been resolved in the past? Should this matter be processed?

GRIEVANCE GUIDE

Grievance Processing for Building Grievance Representatives

1. **Listen** carefully to the bargaining unit member as he/she explains the problem. Get the Who, What, When, Where and How.
2. **Complete** a Data Sheet to record the basic information needed. State the general nature of the problem and important details. Get names, dates, places, times, numbers.
3. **Examine** the contract, board policy, administrative regulations, relevant sections of the Education Code and past practice. Record on the data sheet, the article(s), section(s), and/or numbers which may have been violated, misinterpreted or misapplied.
4. **Tell** the bargaining unit member:
 - a. The Association is concerned about the problem.
 - b. The Association will give it very careful consideration.
 - c. The Association will do what it can to help and it can help if there are facts and/or arguments to sustain a case.
 - d. You will contract the grievance committee and get back to the member.
 - e. To save or locate all letters, memoranda, notes or documents relating to the problem.
5. **Don't tell** the member:
 - a. Any evaluative or judgmental remarks about the member's conduct.
 - b. It's a good case or a weak case.
 - c. That you can deliver a quick, easy solution.
 - d. That he/she doesn't have a problem or grievance.
 - e. That there's nothing you can do to help.
6. **Start** a folder under the member's name with data sheet and documents.
7. **Contact** Grievance Committee member or Officer
_____ at school phone
_____ or home phone _____.
8. **Discuss** with the grievance committee member the facts and some possible arguments and positions the Association might use.

INTERVIEWING THE GRIEVANT

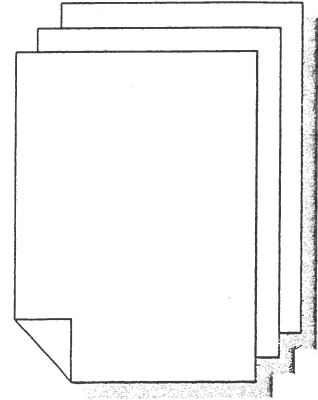
Good interviewing is an art. It cannot be learned simply by reading a book or manual. Practice and self-awareness are all important. However, here are a few suggestions:

- Don't be hurried. Be relaxed, at ease. (Do your swearing afterwards.)
- Show you understand. Look people in the eye. Encourage the member to get out everything – not only the facts, but also the feeling. Often they will feel a lot better after that and start quieting down.
- Unless you are very short of time, let the other person have their say completely before you start giving your opinion.
- Look through your contract **together** to see if there is truly a violation, misinterpretation, or misapplication of contract language.
- Summarize what they have to say. This shows you understand. It also encourages the member to bring out the things they hadn't mentioned before, but which they think are relevant. After you finish summarizing, ask, "Have I stated your case correctly?"
- Use a standard interviewing report form (sample: next page) to document the facts as stated. This creates a running record of events as presented and prevents confusion and mental recollection loss of information over time.

This forum of listening requires a great deal of time. In the long run, it saves both time and energy and helps eliminate festering grievances, which sow apathy and anti-association feeling.

Remember, lots of members contact their representative solely because they want a sympathetic ear. Perhaps they know the rep can do little to help in their particular situation, yet they feel better after they have gotten things off their chest.

SUGGESTIONS ON TAKING NOTES



Be Brief

- Get main ideas – use only key words.
- Abbreviate when possible i.e. J.D. = John Doe; P = principal; w/o = without; 11/7/09 = November 7, 2009.
- Be sure you have correct meaning.

Be Accurate

- Get names correctly.
- Write full statements, if you feel it is very important.
- Use quotation marks around direct impact statements.
- Get dates, times, and places accurately.
- If substitute words, be sure meaning is the same. (If in doubt, don't substitute.)
- Go over notes soon after conference with teacher; add words to clarify meaning, if needed.

Organize

- Use prepared Grievance Meeting Report form. It will organize the meeting for you.
- Include observations of reactions in the comments sections e.g. appeared friendly, very angry, embarrassed, lost temper, etc.
- Keep notes in notebook or file folder, to be used in the grievance chain by the Association or filed with the Association.

Discussion

Your notes may make the difference between winning or losing an arbitration or unfair practice charge. These notes will be useful tools to the Grievance Committee and CTA legal counsel in preparation of cases which are not settled, or may, in fact, lead to a settlement.

Your Notes Should Seek To:

1. Narrow factual disputes.
2. Find out the employer's position.
3. Make any requests for information.
4. Record any admissions against interest by the employer.
5. Keep an accurate record for the Association for future reference.

SOURCES OF INFORMATION

1. People who can supply information:

- The teacher who has the grievance.
- His/her fellow teachers and employees.
- Other witnesses to the grievance.
- Fellow grievance reps and Association officers; they can supply ideas about similar grievances in the past.
- Principal or other supervisors; it is usually best to speak to the administration about a grievance before you actually fight the case. Get the administration's views so that you will have a better idea of their reasoning. You also can get a clearer idea of the facts after hearing them from both the teacher and the administration.

2. Administrative records:

- Personal records.
- Time and attendance records.
- Medical records.
- Policies, procedures, rules and regulations.
- Personnel action forms.
- Written memoranda or letters.

3. Association records:

- Contract of policy.
- Past grievance file.
- Arbitration awards.