

GRIEVANCE HANDBOOK

LOCAL REPRESENTATIVES



TPOAM
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1. YOUR JOB AS A LOCAL REPRESENTATIVE

Whether you have been elected as President, Vice President, Secretary, Treasurer, or a member of your bargaining committee, you are first and foremost a Local Representative of the POAM union.

As Local Representative, you now assist the Union, but even more important, you assist your local members in the day-to-day working relationships.

By assuming these responsibilities, you are assuming an important day-to-day obligation. The Local Representative has close contact with supervisors, department heads, and fellow members. Make no mistake, the Local Representative is a cornerstone for the Union. Any Union, no matter how strong, is only as effective as the assistance it receives from its Local Representative.

The Local Representative is the front line defense against contract violations and unequal treatment by the Employer. The job requires that he/she be thoroughly prepared for the task at hand. The more thoroughly prepared a Local Representative is the easier and more effective his job will be in representing his constituency. Since the Local Representative is the main representative for employees at the local level, there are several basic fundamental things which he should know and be prepared to handle.

2. OBLIGATIONS

The Local Representative's job is to see that the employer lives up to the contract and to see that his members receive fair and equal treatment. This is done primarily through the filing of grievances.

The Local Representative should first, and foremost, know the contract thoroughly. He should carry a copy of the agreement at all times. He should study it and know how it works. He should know how clauses within the contract have been interpreted in the past, and be aware of any rulings, awards or settlements of prior grievances and the past practices within his jurisdiction.

It also is recommended that the Local Representative have available a copy of the pension program plus a copy of any Department Rules or Procedures.

The Local Representative should understand why grievances should be processed promptly. He should know and understand the time limits in filing grievances as provided in the contract, and

be fully aware that promptly processed grievances are more likely to be settled favorably. A grievance which is processed promptly by the Local Representative is much more satisfactory to the grievant regardless of the outcome. On the other hand, if a grievance is unduly delayed, even if a final settlement is favorable, it will leave the employee with a bitter taste.

3. KEEPING INFORMED

The Local Representative must be familiar with all the employees. It is his responsibility to have their names, current addresses and telephone numbers, at his disposal.

A Local Representative should treat all members alike, without regard for gender, color, creed or national origin. He has the obligation to fight equally hard for each employee.

The Local Representative also has the obligation to know the supervisor and administrator. A Local Representative should stop rumors that are injurious to the Union and cease misunderstandings within the work area. This, of course, means that he should have the right information as to what is the policy and position of the Union.

The Local Representative has the obligation to attend all local meetings. This is the best source of information which is necessary for fulfilling his duties. Local Representative and the local should be thoroughly familiar with the structure of the Union, and how they operate. The Local Representative is the main source of information to the members in regard to the Union. The members will come to him first whenever they need to know something to do with the Union. The Local Representative should encourage the members to approach him with their problems. The Local Representative should understand and promote the political programs of the Union, understand why the Union is taking action, why the Union is supporting certain positions on public issues and how this will help the individual members. One point to remember is that some Union members tend to judge their Union by everything that happens to them personally. Therefore, it is often necessary to point out the fact that the employee has a responsibility of his own, on the other hand, the Local Representative must be careful not to get in the position of just "passing the buck."

When a Local Representative is asked a question or presented with a problem for which he doesn't know the answer, his best course is to tell the member that he doesn't know the answer right now, but that he will get the answer within a definite period of time. Then he must follow through with this promise. He does this by checking with his local officials or calling the Union office and

speaking with the designated Business Agent.

The Local Representative has the obligation to get acquainted with all new workers. The Local Representative is not a member of management. He does not have to and should not assume the duties of the supervisors. It is the administration's job to see that the work is done. It is YOUR JOB to see that the members are treated fairly and equally within their contractual rights.

The Local Representative is in the spotlight. The other workers will look to him as an example. In large part their relationship with the Union and management will be affected by the examples set by their Local Representative. Thus it is obvious the Local Representative should not accept preferential treatment because of his position.

4. PROCESSING A GRIEVANCE

The main job of a Local Representative, the processing of grievances, requires the ability to dig into the facts and define the issues involved. This ability comes from experience and training, BUT in the meantime seek help in doing the correct thing.

Your members will come to you with many complaints. You must be able to decide whether a grievance is involved or whether you can help the member in other ways.

5. JUST LISTENING TO COMPLAINTS, WILL HAVE A SOOTHING EFFECT ON THE EMPLOYEE.

You may have to consider a grievance as a safety valve. Sometimes it is necessary to file a grievance just because of the emotion involved, even though it has little merit. On the other hand, grievances without merit should not be filed just to get the employee off your back. Each grievance should stand on its own merits. In processing grievances try to find some common ground. There may very well be several facts you can agree on with the Employer, then proceed to try and define the issues.

Never disagree with other local representatives in front of supervisors or department heads. Decide beforehand who will lead the discussion and follow the procedure. Sometimes leaders will disagree with each other. If this happens during a meeting, ask for a caucus and discuss the issue in private among those Union people present.

Always tell the supervisor, if you cannot receive a favorable answer, that you plan to appeal his decision. Good relationships are best maintained if he knows you are going to go over his head.

After a grievance hearing, think about what took place. Make written notes of the positions presented and add them to your reflections. These records will be necessary in the future and will help you better handle upcoming grievances.

The following is a summary of important considerations in filing grievances. THIS IS NOT INTENDED TO SUPERSEDE THE LABOR AGREEMENT WHICH ALWAYS CONTROLS.

Who May Take a Complaint to Management? The Local Representative files a grievance, but many contracts provide that an employee may take his own complaint or grievance to his immediate supervisor. It is true that an employee has the right, by law, to take a grievance to his employer and have it adjusted, but only if the adjustment does not violate the contract and the Union is given an opportunity to be present at the adjustment.

This does not mean that an individual employee can use the grievance procedure set up by the labor contract. Grievances appealed to higher steps in the grievance procedure are processed only by the Local Representative and the Union. Of course, the vast majority of grievances are begun and processed with help from the Local Representative. An employee should be discouraged from trying to process his own grievance since this is what Local Representative are trained for and thus will produce better results.

The majority of grievances are (and should be) settled at the informal stage. At this time the parties positions have not "hardened", and flexible solutions within the contract are more likely.

The most important part of any grievance procedure is the very beginning. The writing of the grievance and what it takes to resolve the grievance is the basic foundation. A bad foundation will prevent any settlement, or bring about a weak settlement.

6. REDUCING A GRIEVANCE TO WRITING

The Union strongly recommends that before any grievance is taken up with the Employer, verbally or otherwise, it should first be reduced to writing. This gives a written record. If settled at the first step, simply write "settled at Step 1". This gives a written record for future negotiations.

If the informal step does not solve the grievance, it must be reduced to writing anyway and submitted to the next step.

Management has a set number of days to answer. The Local Representative must indicate on the grievance whether the answer is accepted or rejected. The Local Representative must make separate notes other than on the grievance form. These notes are for the information of the Union.

7. ARBITRATION

If the grievance is such that it should be appealed, the Union will appeal the grievance to arbitration.

Before this occurs, the Local Representative should have gathered all of the necessary facts, which will be required to confer with the Union to prepare the evidence and gather facts and witnesses. If the grievance has been processed properly and accurate records were kept at all of the steps, the union will be prepared for arbitration.

8. TIME LIMITS ON FILING GRIEVANCES

All grievances must be filed within a certain number of days of the event, occurrence, or knowledge of the facts giving rise to the grievance.

Therefore, as a general rule, FILE GRIEVANCES AS SOON AS POSSIBLE or at least when you are aware that a grievance exists.

Grievances must be appealed to the next step within the time limits of the management's answer or, in some cases, within the time when his answer is due.

IF THE EMPLOYER REPRESENTATIVE DOES NOT ANSWER A GRIEVANCE WITHIN THE CONTRACT TIME LIMITS, MAKE SURE TO FILE AN APPEAL FROM THE DATE THE ANSWER WAS DUE.

Failure to do so MAY give the Employer a defense to, the grievance that can result in you losing the grievance.

9. THE GRIEVANCE PROCEDURE

Writing Up Grievances

Why write up grievances? (even before handling at verbal step)

1. Contract stipulations.
2. More effective when disposition has to be put in writing.

3. More binding. Can be referred to in event of violations.
4. Can keep written record on grievance.
5. Can be referred to for contract negotiations.
6. Disposition of written grievance can be reported to membership meetings more effectively.
7. Policies adopted would be in writing.
8. Act as supplementary agreements.
9. They become legal documents.
10. Even the most honorable person forgets, dies, or retires ... GET IT IN WRITING.

Grievance Procedure (What is it?) Its machinery set up whereby...

1. The employee can seek redress through organized channels.
2. Where grievances can be handled through an orderly process.
3. The employee can appeal against decisions.
4. The employee has the collective support of the Union when seeking justice.

Six Important Points ... When Investigating and Writing Up a Grievance

6's W's -- Who..When..Where..What..Why..Whoa

1. WHO is involved in the grievance? The employee names (don't forget the immediate supervisor or management representative who made this a grievance).
2. WHEN did the grievance occur? On what day and at what time did the event take place which created the grievance?
3. WHERE did the grievance occur? Exact location, shift assignment, location, etc.
4. WHAT happened? Detail all events surrounding the complaint.
5. WHY is this a grievance? What has been violated? Contract? Supplement? Past practice? etc. In order to have a legitimate grievance, there must be a violation of something. This directs your attention to that specific something which has been violated. Have proof for each clause referred to.
6. WHOA. Slow up and recheck all of your facts. Recheck the contract and recheck the grievance.

Only after you have the above information, is the steward in a position to write up a grievance.

10. CONSTRUCTING THE GRIEVANCE

"Ten Basic Points to Remember"

1. Always identify the grievant by name.
2. If the grievance is a discipline case, always obtain the employee's previous disciplinary record.
3. If the grievance is a seniority related question, (promotion, demotion, or seniority violation) always obtain all the facts relative to the employee's qualifications such as previous experience, attendance record, etc.
4. Never say "I contend", "it is my position", etc. Always say "It is the Union's position".
5. Make sure that every statement of fact raised by management is checked thoroughly, and inform the Union of the answers.
6. When a contradiction in statements of facts exists, try to obtain information from bargaining unit employees if you are sure in your own mind that your facts are correct.
7. Get all of the facts IN WRITING no later than the date the case is presented in the first step of the grievance procedure. DO NOT ATTEMPT TO WITHHOLD PERTINENT INFORMATION.
8. When possible, support your facts and contentions by using previous arbitration decisions or documented past practice.
9. Recheck your case to make sure the six important points have all been answered. REMEMBER .. New facts should not be injected into the case at the higher levels.
10. At the very same time that a grievance is filled out, the POAM office should be notified of the grievance. A number will be assigned by the POAM office. Use this number on all documents pertaining to the grievance.

11. SOME CONSIDERATIONS FOR THE GRIEVANCE HEARING

Make sure you have a proper attitude.

Create the right kind of professional atmosphere.

Make a proper introduction of the "problem".

Ask...why did management do this? ..or did not do that? Have management prove their "charges".

Request copies of all proofs or other information that management refers to.

Learn to listen effectively.

Prepare "rebuttal" to management's "charges" and "allegations".

Present the Union's side to prove:

1. Innocence
2. Contract violation(s)
3. Injustice
4. Management at fault
5. Penalty too severe
6. Discrimination
7. Past Practice

Give consideration to management's viewpoint objectively. After meeting with management, investigate management's contentions raised in the first step of the grievance procedure or discussions with supervisors. Add information to the Union fact sheet.

Close the case. Or, failing to resolve the case, ask for the management's answer immediately.

If the answer is negative, notify management that the Union is not satisfied with management's answer and intends to process the grievance to the next higher step.

12. HANDLING GRIEVANCES WITH THE IMMEDIATE SUPERVISORS

Types of Immediate Supervisors to Consider

1. Arrogant and arbitrary
2. Considerate, reasonable and just
3. Honest
4. Dishonest
5. Incompetent
6. Ambitious
7. Benevolent
8. Other...
9. All of the above.

13. FACTORS IN FIRST STEP GRIEVANCE HANDLING

1. Key Person vs. Key Person. The immediate supervisor of the employee is the key person in collective bargaining, just as you are the key person at the local level (and don't forget it). The Union is your support. Now don't allow the employer representative to intimidate you into believing that you are a "nobody."
2. Policy. The immediate supervisor is in a difficult middle position, between the employee and top management. He cannot make policy. Orders come down to him from higher management, and whether he agrees with them or not, his job is to see that they are carried out.
3. Immediate Supervisor's Area of Decision. There is a small area of decision that the immediate supervisor does make interpreting policy, and it is in this area that gains can be made by establishing a cooperative relationship.
4. Working Relationship. The secret of successful day-to-day bargaining lies in a good working relationship between the Local Representative and the immediate supervisor.
5. Equal Footing. The Local Representative should be on equal footing with the immediate supervisor when it comes to dealing on economic and contract issues.
6. Antagonism and Personal Rivalry. Develop the kind of relationship whereby the immediate supervisor is willing to cooperate with you and to handle grievances quickly and fairly. You can never realize this by going out of your way to antagonize the immediate supervisor.

Never go over the head of the immediate supervisor, or any other supervision, without telling him that you intend to do so. If you plan to appeal from his decision, tell him so.
7. Cooperation. Immediate supervisors usually come from Union ranks, live in the same neighborhoods as other employees, and many still feel like workers rather than an Employer's representative. Given half a chance, they will be friendly.

It is important to get along with the immediate supervisor. Sometimes it is difficult. But, keep in mind, it is your job to get along.

8. Making "Deals". A Local Representative should never do (so-and-so) if the boss will do (this-and-that). Such "dealings" make a sound grievance procedure impossible. Once a Local Representative is personally obligated to an immediate supervisor, he is no longer in a position to do a decent job.
9. Making Empty Threats. Do not bluff when working out a grievance. If you make an empty threat and do not follow through, your bargaining power will be weakened in the future.
10. Talking Too Much. Be a good listener. It is possible to talk yourself out of a good case.

By knowing when to listen and when to talk, you can keep the discussion on the facts in the particular case.

You will also be able to demand to be heard without being interrupted when it is your turn to carry the ball.
11. Losing Your Temper. A Local Representative who blows up is looking for trouble. All reasoning and common sense is lost when your temper is up. Do not mix grievances with lost tempers.
12. Keep Your Mind On Your Work. Do Not Be Side Tracked. Stick to the point. When you talk, stick to the issues. If the immediate supervisor knows he doesn't have a valid argument, he may bring up subjects that have nothing to do with the case and get the discussion away from the grievance.

Agree on all the facts you can and then explain carefully the exact issue on which you disagree. Stay away from discussing personalities as much as possible. Avoid general arguments and remarks that belittle, especially when they have nothing to do with the case at hand.
13. Disagree with Dignity. If you cannot reach a satisfactory settlement, the world will not end. You can always appeal the case. That is what the other steps of the grievance machinery are for.

Concentrate on the situation you are trying to correct and keep the personal element out of the picture as much as possible.

14. Sticking Together.
- A. Agree on one spokesperson.
 - B. Keep a united front. When in a conference with other local representatives or Union members, never disagree in front of any of your bosses.
 - C. If you quarrel among yourselves, you will soon lose the respect of the management. Management will be quick to take advantage of your differences.
 - D. If you see that some real differences of opinion have developed among the local representatives, immediately ask for a caucus and straighten out your differences in private.
15. Observe Rules and Regulations. Being an effective Local Representative means that you also have to follow the Department Rules and Regulations. Do not be placed into a compromising position by violating the rules.

14. **DISPOSITION OF GRIEVANCES**

No Horsing Around. Settle all grievances on the basis of merits. Do not swap one grievance for a settlement of another, without approval of the Union. You have to give a good reason for disposition of every grievance.

ALWAYS CALL THE POAM OFFICE WHEN YOU HAVE ANY FURTHER QUESTIONS