

U\$TEWARD

FIRST LINE OF DEFENSE

UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA • MARCH 2020



The Second Step

Putting the Grievance in Writing

Don't Miss the Time Limits

It is an aggravating fact that if the union misses the time limit for filing a grievance, the grievance is declared "dead." If the employer misses the time limit, the union gets to proceed to the next level.

When an employer denies a grievance after the first step, it is up to the steward to submit a written grievance. If the grievance is questionable, it is best to have the Chief Steward or Union Committee review the facts, and make the decision on whether to proceed with the grievance.

Here are the basic points to remember when writing a grievance.

The Three Parts of a Written Grievance

Writing a grievance is very similar to the steps outlined in the April 2018 UE Steward for making an oral presentation. However there are some items that especially need to be remembered once a grievance gets to the written stage.

1

State the Grievance Issue Simply

THE CORRECT WAY TO WRITE A GRIEVANCE: *Orville Bush is the most senior bidder for the inspection job and should be awarded the job bid.* At this stage the steward does not need to add any other supporting facts.

THE WRONG WAY TO WRITE A GRIEVANCE: *The inspection job should have been awarded to Orville Bush. Pete Smith is a rotten foreman and didn't give Orville the job because he hates Orville and wanted to date Orville's sister, but she wouldn't go out with him. Because of this and because Pete*

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Stewards Tool Kit

...And Keeping Good Records

Each local should develop a **log book** that is used for keeping track of the grievances. As each grievance is written it is assigned a number and "logged in." The information should include;

- grievance number;
- date 1st step filed;
- date to file next step;
- what contract section or law was violated;
- brief description of grievance.

At each step of the grievance procedure, the filing dates should be noted and finally, the outcome of the grievance should be logged.

These log books should be kept by the Chief Steward and passed on to his or her successor in office. Example:

- # 2020-3.
- Written grievance submitted Feb. 12, 2020.
- File step 3 by Feb. 24, 2020.
- Articles 2,4,6,
- Filed for Orville Bush. Co. Refused job bid to senior employee.
- Settlement on Feb. 18, 2020. Orville was awarded the job with back pay.

Every grievance should have its own **folder**. This folder should contain the grievance, employer answers, any evidence, information the employer provided and the final answer. This way a complete record is saved for the future. If a grievance has to go to higher steps, the Chief Steward will have all the information necessary to argue the grievance.

Mark the outside of the folder with easy to reference information:

- Bush - job bid grievance, # 2020-3

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is an idiot he refused to give Orville the job.

The grievance form is not the place to argue the grievance. That should happen in the grievance meeting.

2

State What Part of the Contract, Law, Past Practice etc., was Violated

A grievance can be filed over a violation of the contract, a change in a well-established past practice, violation of a law (OSHA, FMLA, etc.) or a violation of an employer policy.

Always state that the employer may have violated other parts of the contract.

By not giving Orville the job award, the employer is violating Article 3, section 2 of the contract. **The employer is also in violation of all other relevant sections of the contract.** This covers the possibility that the wrong section was cited for the specific violation or that other articles may also come into play.

Study the following sentence and memorize it. Use it on every written grievance.

The employer is also in violation of all other relevant sections of the contract.

Citing the wrong section of the contract on a grievance can cause the loss of an arbitration case. The union has the right to amend the grievance after filing it, to cite other specific sections of the contract, or to correct a mistake. Simply attach a letter to the grievance when advancing it to the next stage.

Example: *The union wishes to amend grievance number 2020-8 by also citing Articles 2, 4, 6, and other relevant sections of the contract, as being violated by the employer in this case.*

—Soupy Campbell, Chief Steward
Jan 3, 2020

NOTE: Many employees want to use the “no discrimination” clause in the contract because they feel a boss is unfairly picking on them. To use the “no discrimination” clause, the union must be ready to prove that there was discrimination because of race, creed, color, nationality, sex, age, or union membership. It is always wise to cite other parts of the contract, unless the case is clearly one of discrimination.

When a worker is disciplined for an action that other workers are allowed to do, then a grievance can be filed. Usually the “just cause” section of the contract is the proper section to quote.

3

State What Remedy the Union is Seeking

By leaving out the remedy, the employer can agree they made a mistake, but offer no solution.

Make Orville Bush whole, including but not limited to being transferred immediately to the inspection job and paid the \$1.00 an hour pay rate difference for the time missed on the inspection job, including overtime.

In cases of discipline, discharge or involving money, the “catch all” phrase to use is **“The employee should be made whole.”** This phrase covers all the parts of the remedy that should exist, without forcing the union to try to list them all at the time the grievance is written.

Example: If an employee is rehired after a firing, the union has to consider what benefits must be restored. These may include wages; reinstatement in the health insurance program with no waiting period; reinstatement in the pension program with restoration of all back service and credits; vacation time; and the list could go on. The phrase **“be made whole”** is a legally accepted “catch all” phrase that covers all the situations. If


the union tries to list all the situations to be remedied, and one is missed, the employee could lose out.

The union still has the right to negotiate a different remedy from the one listed on the grievance form.

Example: A grievance on a termination case stated the fired employee should be *returned to work and be made whole*. The final settlement was a two week suspension. In this case the remedy was that the employee was made whole except for losing two weeks pay.

The Role of the Membership

A steward can make the most logical oral presentation of a grievance in the world, or write the perfect grievance and still not move the employer. The employer must be aware that there is a membership behind the Union Steward. It is the job of the steward to make sure the members know what is going on and, when necessary, get them to show their support. Support can be shown in many ways, buttons, stickers, petitions, lunch-time meetings, and with people telling the supervisors that they are wrong. Be imaginative - it can only help.



Sample Grievances

Local Union Grievance In a Discipline Case:

“Susan B. Anthony was suspended for three days on November 14.

The suspension of Susan Anthony was not for just cause, in violation of Article IV of the contract. The employer is also in violation of all other relevant sections of the contract.

Make Susan Anthony whole for all losses suffered.”

Local Union Grievance on a Past Practice Violation:

“On January 5, the employer discontinued the practice of allowing wash-up time before leaving work.

By unilaterally eliminating wash-up time, the employer is in violation of Article I, Recognition and all other relevant sections of the contract.

The Union demands that the employer restore the wash-up time and that bargaining take place before any such changes are made.”