

THE A&R GRIEVANCE – AN INFORMATIONAL OUTLINE OF THE PROCESS

The Administrative and Residual [P-5] Bargaining unit contract controls the grievance process and is the basis upon which a grievance against management may be filed. (A grievance is not filed against an individual; it is filed against the agency management.)

Not every complaint becomes a grievance, or is grievable. Article 15, Section 1 defines the grievance as “a written complaint involving an alleged violation or dispute involving the application or interpretation of a specific provision of the Agreement.”

WHAT TO DO FIRST:

When a member has a concern or complaint the first step in attempting to resolve the issue is to contact a steward at the member’s agency or work location. The list of stewards, their locations and phone number may be found on the A&R website. If this is not possible or practical, contact the union office and request to speak with the steward in your area. It would be helpful to know a little about your concern as some stewards have more experience in particular areas of the contract.

Please remember all information provided to the union office and your steward is kept confidential. Do not use state email or computer systems for any communication to your union or its representative that you wish to keep confidential. Management may access these systems at any point.

WHAT THE GRIEVANT CAN DO:

Take notes and document the complaint as clearly and accurately as possible. If the complaint is an ongoing problem, keep a journal or daily log of your concerns, activities and potential witnesses and how each relates to the grievance. Do not keep this journal or daily log on state computers or email.

Do not discuss your complaint with management until and unless you have been instructed to do so by a steward or A&R staff member. After you have had a chance to discuss your concerns with a steward or the Chief Steward, any violations of the contract will be assessed. In many cases your steward will try to resolve the matter with your agency manager(s) on an informal basis. If the situation does not warrant this approach, a written grievance may be filed with your agency by your assigned steward. An employee may always choose to file and present his/her grievance without union representation.

The steward will normally write the grievance and present it to the agency personnel officer or agency designee. A grievance (in most cases) must be submitted within 30 days of the date of the alleged violation. There are some exceptions to this 30 day rule - always check the contract for more information.

STEP ONE:

After a grievance is filed -

- The agency has **10 days** in which to hold the Step 1 meeting. The location of this meeting is normally at the agency in which the member works. The grievant and steward will attend as will a member of human resources and usually the immediate manager of the area where the employee works.
- The agency has **10 days** from the date of this meeting to submit a **written** response. The response will be given directly to the steward of record or mailed to the union office. The agency should be working and communicating directly with the steward assigned to your case. If anyone from the agency wants to discuss your grievance, make sure your steward is present.
- If no response is received within 10 days of the Step 1 meeting or the response is received and not acceptable, the steward of record will notify the union office by sending all documents relating to your grievance. The union office staff will submit the grievance to Step 2.

STEP TWO:

- A Step 2 conference should be scheduled within sixty (60) days of its receipt at the Office of Labor Relations (OLR). OLR is often late scheduling such dates. The A&R staff will notify you and your steward of the date and time of your Step 2 conference.
- Your case is assigned to a hearing officer who listens to both sides of the grievance and renders a decision within (15) days of the Step 2 conference.
- The Step 2 conference is held at OLR on 450 Capitol Ave., Hartford. In attendance at the Step 2, the steward of record, the grievant and the agency designee in addition to witnesses for both sides. The Chief Steward or other union officer is also often present. The hearing officer may appear to be the "judge" in the case, but keep in mind the hearing officer is an employee of OLR and not a neutral.
- In a Step 2 conference, both sides may present evidence and witnesses. The hearing officer collects the data and listens to all witnesses before rendering a decision. The style of the hearing officer will control how formal the hearing is conducted.
- Both sides may have an opportunity to give an opening statement, present evidence, cross examine witnesses and request a remedy to the grievance. One person from each side will present the case (the union case is normally presented by either the Chief Steward of the steward of record). The grievant will typically only answer questions if s/he testifies at the Step 1. It is not mandatory that the grievant testify at Step 2.
- The hearing officer will submit a decision in writing to the union office within 15 days of the meeting. (A copy will be forwarded to the grievant and the steward of record.)

ARBITRATION REVIEW:

If an acceptable decision or agreement is not reached at the lower levels, the case will be referred to the Arbitration Review Committee by the Chief Steward. This is a five (5) person panel made up of A&R stewards and officers. The steward of record and the grievant will present their case to the panel. This is the grievant's opportunity to explain why his/her case should be brought to the final step of arbitration. Not all cases are moved forward to arbitration. The grievant and steward of record will receive a letter in the mail with the panel's decision on their case.

IF YOUR CASE DOES NOT GO TO ARBITRATION:

If the panel decides your case will **not** move forward to arbitration, the grievant still has the opportunity to appeal this decision to the Representative Assembly (RA). This is the governing body of the Union. The grievant has the next two monthly meetings in which to address the RA about their case. The RA can reverse the decision of the Arbitration Review Committee. This process will be explained to you in your letter from the Arbitration Review Committee.

IF YOUR CASE GOES TO ARBITRATION:

Cases are scheduled for arbitration by the Chief Steward and the staff from OLR. Cases are scheduled on a rotating basis with each of the five arbiters assigned to hear A&R cases. Once a case is scheduled, the grievant and the steward of record will be sent a letter in the mail. It commonly takes a considerable amount of time to schedule and resolve matters at arbitration.

The arbitration hearing is a formal hearing held at OLR. Both parties will be represented by an attorney or other Labor Relations professional and the paid Arbitrator will hear testimony and witnesses from both sides.

Prior to the arbitration hearing, the representative handling the case on behalf of A&R will meet with the grievant and any witnesses to prepare for the hearing and answer any questions the grievant may have.

The arbitration hearing can be a lengthy process with multiple days of testimony and witnesses. These hearing could be spread out over several months.

Once both parties have had a chance to present their case, the arbitrator will close the hearing and normally both representatives will have 30 days to submit a written brief of their case. The brief is a short summary of the hearing and a last chance effort for the representative to convince the arbitrator to rule in the grievant's favor. Once the arbitrator receives the written briefs s/he will render a decision in writing within 30 days. (The arbitrator can ask for an extension to the 30 days.)

At any time in the process either side can agree to a settlement. If this is done, an agreement will be put in writing and signed by the parties.
