



STEWARDS CORNER

Monthly Newsletter for Union Stewards

How to Present a Grievance

For folks who are new to being a steward, investigating and presenting a grievance may seem daunting at first -- after all, a grievance is a kind of legal challenge to the employer's authority and none of us are professional litigators. But the idea behind having a grievance procedure in a labor contract is to have a simple, accessible process that non-lawyers can use to resolve contractual disputes. With that in mind, here are some tips for new stewards to follow when presenting grievances.

1. Know your grievance procedure and avoid skipping steps.

Know precisely how much time the Union has to formally file a grievance from the date of the incident at issue and with whom to file it. Use this time to mount your investigation, but know that you may find yourself having to present your grievance before you've completed your investigation due to time constraints in the procedure. That shouldn't prevent you from presenting a basic outline of the facts (as you currently understand them to be) and applicable contract language that lead you to believe that management has violated the contract.

Some procedures may require the skipping of some steps based on the type of dispute at issue, but generally you'll want to use all the steps to:

- Establish whether the employer disputes our version of the facts and learn more about the employer's arguments.
- Repeat information requests and ask for clarification of any information already produced.
- Lock in the employer's story to make it harder for them to change it later in the process (this is why good note-taking at every step is so critical).

2. Thoroughly prepare your arguments for why the employer has violated the contract.

In cases not involving discipline, the Union will have the burden to make the case that the contract has been violated (the employer has the burden in disciplinary cases to show cause for the discipline). Regardless of the type of case you're dealing with, in your presentation you'll want to:

- Lay out the facts (who was involved, what happened, when did it happen, where did it happen).
- Cite the applicable contract language, explain what it means and how it was violated in this case.
- Use a professional, positive approach at all times (avoid coming off angry or hostile).
- Be clear about what you're seeking to resolve the issue (that is, your remedy).

3. Treat every step of the procedure as an opportunity to negotiate a settlement.

It's often said that there are no slam dunks in grievance arbitration. However strong you may think your case is, that should not exclude accepting a reasonable settlement offer at any point in the process. Never forget that every step meeting is an opportunity to negotiate a settlement, so be sure to:

- Consult with the grievant before the presentation regarding what's needed to address the alleged violation.
- Develop possible back-up positions with the grievant (including settling on a non-precedential basis) but stress that the Union has the final say.
- Be passionate in your advocacy but don't personalize the dispute or attack management's honesty or integrity (even if they are lying scumbags).
- Consider soliciting the support of the members for your grievance (perhaps by filing a group or class-action grievance or attaching a petition to your grievance) where the issue is felt widely and deeply among the members; this may give you more leverage to reach a fair settlement so make this support part of your presentation.

As always, your Local Union Leadership and Staff Representative can provide helpful guidance. Don't be afraid to reach out.

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Representation Checklist: Putting Weingarten Rights into Practice

As a Steward, you are the front line of defense for your coworkers. Educate them about their right to request representation when management asks them questions that could result in discipline or other adverse consequences (AKA Weingarten Right). When representing your co-workers you are equal to management and have the right to advocate for your coworker and question management.

Before the Meeting

- Ask management the reason for the meeting (What's the issue?)
- Privately caucus with the worker under investigation (We are going to caucus)

In the Caucus with Your Coworker

- Ask the coworker what they know about the issue.
- Advise the coworker to:**
 - Tell the truth
 - Provide short answers; don't volunteer additional information
 - Say they don't remember or don't know instead of guessing
 - Stay calm - a Union representative is there to support you

During the Meeting with Management

- Ask clarifying questions (who, what, when, where, why, how)?**
- Why is that important?
- How do you know this?
- Can you explain more about this point?
- Why are you applying the policy this way?
- Request copies of documents, policies, and any other information that management presents in the meeting

As a Steward, You Have the Right To

- Object to unfair, misleading questions
- Take notes; document meeting start and end times; who was present for management and for the Union
- If applicable, point out mitigating circumstances (for example, a member has a good work record, but is going through a difficult period)
- Ask management questions and what they plan to do about the situation

After the Meeting

- Follow up with your coworker:
- How do you feel about the meeting?
- Is there anything else the Union needs to know about the situation?
- Conduct your own investigation
- Review and save notes
- Debrief the issue with another steward or grievance committee member

Refer to the [November, 2021 Stewards Corner](#) for more information

TEACHING TUESDAYS

1/4/22: *Representing Members in Investigatory Interviews*
([11 AM EST](#)) ([8 PM EST](#))

1/11/22: *FMLA part 1* ([11 AM EST](#)) ([8 PM EST](#))

1/18/22: *Effective Community Service* ([11 AM EST](#)) ([8 PM EST](#))

2/1/22: *Just Cause* ([11 AM EST](#)) ([8 PM EST](#))

2/8/22: *FMLA part 2* ([11 AM EST](#)) ([8 PM EST](#))

2/15/22: *Black Labor History* ([11 AM EST](#)) ([8 PM EST](#))

2/22/22: *Mass Incarceration* ([11 AM EST](#)) ([8 PM EST](#))

Check out our online education classes by registering via the links below or scanning the QR code.

- All classes are held at **11 AM (EST)** and **8 PM (EST)**.
- Click on the time slot that you can attend to register for the classes you want to take.
- **All classes' times are in Eastern Standard Time**
- Steward Training Classes are on the 1st Tuesday of every month.
- All Classes are being held via Zoom.
- Classes are 1-hour 30-minute sessions.

Scan the QR code to get more information
<http://education.usw.org/blog>

