



5 Step Approach to Grievance Handling

First Step: Identify the Problem: What's the Violation?

Does the problem violate the contract? A rule or regulation? Policy or procedure? Federal or State Law? Past Practice? If you can answer yes to any of these questions, it is most likely a grievance.

Second Step: Investigation: Use the 5 W's

Your role as a TALB Rep is to investigate every worksite complaint. Remember, we **don't judge members, we represent them**. Investigation begins with interviewing the affected employee; Witnesses (don't count on "hearsay") and the Supervisor involved (tell employee first). **Remember the 5 "W's"**: Who's involved? What happened? Where and When did it happen? Why is this a grievance?

Third Step: Document, Document, Document

TALB Reps have the right to information in preparing for a grievance or researching a potential grievance. Always make the request in writing. Examples of information -- attendance records; correspondence; discipline actions; job descriptions; safety data; payroll records; and personnel files.

Fourth Step: Preparation & Writing the Grievance

The outcome of a grievance very often depends on how well you prepare ahead of time. **Grievance Preparation Tips**: (1) review all your evidence – fill in the gaps; (2) determine the relevance of the data; (3) distinguish between opinion and fact; (4) research the local's grievance file; (5) discuss the case w/ other TALB representatives; (6) try to resolve the issue informally; (7) write the grievance; (8) prepare the grievant for the meeting with management; and (9) anticipate management's arguments.

Writing a Grievance: Be concise – just basic facts & information; Don't include opinions, evidence, or arguments; List any & all management violations; Clearly state the desired remedy; Include an information request for all data needed to handle the case; Complete the grievance form with grievant--have them sign it; and Make a copy of the grievance form.

Fifth Step: Presenting the Grievance

In a grievance meeting, you are an equal with management. It is no longer boss and employee. Treat the supervisor with respect, and expect and insist upon respect in return. In meetings, TALB reps are entitled to speak for the grievant and to stop the meeting at any time to confer with the member.

Tips for Presenting the Grievance: Use a positive direct approach; Stick to the subject of the grievance; Try to resolve grievances at the lowest possible level; Focus on issues not personalities; Remain calm cool, and collected; Get every settlement in writing; State what you believe the resolution is.

Identification • Investigation • Documentation • Preparation • Presentation



A Five-Step Approach to Grievance Handling

Step 4: Preparation

Almost every workday, TALB Representatives hear complaints about the work site. As a TALB Representative, your role is to investigate every workplace complaint. There is a five-step formula that you can follow when handling any workplace problem or complaint:

1. Identification
2. Investigation
3. Documentation
4. Preparation
5. Presentation

Step 4: Preparation: Writing the Grievance

Preparation is the key to success in most things we do. Grievance handling is no exception. The outcome of a grievance very often depends on how well the union representative prepares ahead of time.

Preparation Steps

- Review all your evidence; fill in any gaps you discover.
- Determine the importance and relevance of each fact and piece of information.
- Distinguish between allegations and opinions on the one hand and facts on the other. (Example: Allegation — “Sarah gets all the well behaved kids”; Fact — “Only 10% of the students Sarah teaches have discipline records versus 25% or more in the other classes.”)
- Work with TALB staff to research the grievance file for any past grievances on similar situations.
- Discuss the grievance with other representatives and officers to gain their insights on the case.
- Write the grievance (see below for pointers on writing a grievance).
- Prepare the grievant for the grievance meeting with management; remember, the grievant may have never filed a grievance before and will not know what to expect in a grievance meeting. Describe the setting, who will be there, and how the grievance will be presented. Review with the grievant what he/she will and will not say during the meeting. Some stewards role-play the hearing with the grievant.
- Anticipate management’s arguments, questions and point of view; know how you and the grievant will respond to each of these.

Writing the Grievance

TALB has an official grievance form as part of their contract with the LBUSD – this should be used when filing a written grievance. All grievance forms contain four main sections that ask for:

1. Basic information about the grievant: name, job title or classification, department, work location, etc.
2. Information about what happened (*or failed to happen*) that brought about the grievance.
3. A description of what contract provision, work rule, past practice, etc., that management has violated.
4. A requested remedy for the grievance.

Tips for Writing a Grievance

- State the grievance in a concise description of the basic facts and information.
- Don't include statements of opinion.
- Don't include your evidence or arguments in the case — save those for when you meet with management.
- List any and all violations of the contract, district policy, etc., which apply. *After you list the specific articles, you may want to include a phrase such as "and all other applicable sections of the contract." This allows you to expand your arguments should additional details become known at a later time.*
- Clearly state the desired remedy (that is, exactly what the grievant and/or the union want as a solution to the problem); make sure you ask the grievant what he/she wants before writing the remedy.
- When appropriate, conclude the remedy by asking that the grievant be "made whole."
- Complete the grievance form with the knowledge and assistance of the grievant. Have the grievant sign the grievance form.
- Make a copy of the grievance form before submitting it to management and add it to your file on the grievance.