

WAPB GRIEVANCE PROCEDURE

One of the most underused portion of any collective bargaining agreement (CBA) for an association of professional employees is the grievance procedure. Article 7 of our CBA details your grievance procedure.

In order to grieve an agency action under Article 7, the agency's actions must be construed to be "a misapplication or violation of the agreement, Merit System Rules(WAC), or official Department policy or procedure". As you can see from the definition, your grievance procedure gives you the right to redress a wide variety of agency errors.

PROCEDURE

In order for a grievance to be valid under your contract it must conform to the following:

The grievance must be in writing and must be signed by the grievant. If the grievance is a class action, it must be signed by all of the grievants and presented by a representative of the class.

The written grievance must contain all of the following:

- Reason for the grievance.
- Date on which the grievance occurred.
- Citation of the article, WAC and/or policy violated.
- Remedy sought.
- Name of the Representative.
- Signature of the Grievant.

The Association has prepared a form for your use and they are available from the Job Representatives or Association officer.

Note The WAPB, on behalf of the grievant, has an obligation to discuss the issue informally with the Agency's labor representative. Therefore, it is imperative that you inform the Association of a potential grievance well in advance of all time lines. The informal discussion may take place at the same time as Step 1.

The grievance steps:

Step 1: File the written grievance with your immediate supervisor within 15 working days of the action leading to the grievance. Your supervisor then has 10 working days to meet with the grievant and your representative to attempt to resolve the grievance. In addition, the supervisor must give a written response to the grievance.

Step 2: File the written grievance, as well as a copy of the Agency's response to your Assistant Director (AD) within 5 working days of your receipt of the Step 1 response. The AD then has 10 working days to meet with the grievant and Association representative. Within 10 days of that meeting, the AD must give a written response to the grievance.

Step 3: Present the written grievance and the AD response to the Director within 5 working days of the AD's response. The

Director then has 15 working days to schedule a meeting with the grievant and the Association representative and an additional 15 days after the meeting to present a written response to the grievant.

Step 4: File the grievance with the Department of Personnel (DOP), including all Department responses and request mediation. [This can be done through the Association attorney.] Mediate grievance with DOP.

Step 5: File for grievance arbitration with DOP. Again, this should be done by the Association attorney. Arbitration will then be scheduled, and the grievant, Association representative and any key witnesses should be made available to testify and help with the arbitration preparation.

Grievance time lines are critical. Failure to file the grievance or advance the grievance in a timely manner will result in dismissal of the grievance. Therefore, it is crucial that you monitor your time lines. It is also crucial that you inform the Association and the Association's attorney as early as possible in the grievance procedure so that the Association may adequately prepare to defend the grievance, or may help to creatively resolve the grievance.

It is also important to be flexible in your thinking regarding the resolution of a grievance. Often grievances can be resolved if the grievant and the agency are willing to look at all angles in hopes of a resolution.

If you are unsure of whether an agency's action is grievable, contact your WAPB representative.