

POLICY:

A formal grievance or complaint system assures employees receive a fair hearing of their disputes. The existence of a formal mechanism helps to identify and define specific types of employee problems. The grievance procedure is also a means for clarifying matters which are not clearly defined in existing collective bargaining agreements. Collective bargaining agreements may also include other appeal procedures such as those for denial of a pay increase or the classification of a position. These are not considered grievances as outlined in this section. Supervisors and managers are encouraged to consult with the Division of Personnel's Representative (located in Bldg 49000 Room C211 Wednesdays Noon-4PM) when responding to grievances or complaints. All steps in the various grievance/complaint procedures are time limited. Any grievance/complaint not filed within the contractual time limits may be denied on procedural grounds and returned without addressing the merits of the case. Since the date of post mark of the mailing of a grievance/complaint can establish if the action was filed timely, supervisors should save the envelope in which it was received. Hand delivered forms should be date stamped and initialed by the recipient.

PROCEDURE:

1. Conducting the Grievance/Complaint Meeting - The union or the employer may request a meeting in an attempt to resolve a grievance or complaint. However, a supervisor should discuss possible resolutions with the Division of Personnel's Representative prior to meeting with the employee or union. If a meeting is warranted, the Division of Personnel's Representative will assist the supervisor in arranging a meeting. The following list contains guidelines for conducting and documenting the meeting.

- A. If a union representative is present, another management person or the Division of Personnel's Representative, if possible, should also be present-either in person or by teleconference.
- B. Listen to the union's proposal but do not make any commitments; rather, agree to get back to them within a reasonable time regarding the proposal.
- C. Give yourself time to make a fair and objective decision after you have evaluated what the union has to say.
- D. Consult with the Division of Personnel's Representative before issuing a decision.
- E. Keep written notes of your grievance meeting in the event it is escalated to higher steps in the process. Do not release your meeting notes to the grievant or to the union representative. If requested to do so, consult with the Division of Personnel's Representative.

2. Role of the Union Representative/Business Agent or Steward/Employee Representative - The union representative/business agent is an employee of the union and a professional grievance handler. A steward/employee representative is an employee of the State of Alaska who is authorized by the union to represent other union members. The role of the union representative/business agent or steward/employee representative is to represent the employee and is limited to being present at the grievance meeting; asking clarifying questions; and suggesting areas for further investigation.

The union representative/business agent or steward/employee representative have no right to cross examine; disrupt the meeting; demand any action; and call witnesses or to demand that others be questioned in their presence.

The **GGU** and **SU** agreements allow union stewards/employee representatives a maximum of nine hours per month in which to handle grievances and/or complaints without loss of compensation. Additional time must be taken as union business leave. Union stewards/employee representatives must get prior approval from their supervisor before beginning steward/employee representative work and must account for this time by indicating the number of hours in the remarks column of the time and attendance report.

The **LTC** agreement allows stewards to conduct union business after providing the employer with notice of such activity, and must account for this time by indicating the number of hours in the remarks column of the time and attendance report.

Union representatives who are not employees of the State must have prior approval to visit any work area.

RESPONSIBILITIES:

DMVA Grievance/Complaint Handlers must:

- * Require that the specific nature of any grievance or complaint be identified. Determine whether the matter can properly be designated a grievance.
- * Consult with the Division of Personnel's Representative prior to releasing your response to the grievant or union.
- * Determine the appropriate level of supervision to respond to the grievance or complaint.
- * Follow the time frames for responding to the grievance or complaint.
- * Fully inform their supervisor and Division Director about the grievance and any actions/discussions that occur regarding it.

DMVA Grievance/Complaint Handlers will not:

- * Agree to the binding effect of a past practice for settlement of a grievance.
- * Respond until you have contacted the Division of Personnel's Representative for guidance if the grievance/complaint does not conform to procedures in the contract for time frames, is not filed with the right person, or does not follow other procedures as outlined in the collective bargaining agreement, do.
- * Give a lengthy written response on the grievance/complaint form. If the action should be legitimately denied, give a brief written answer, and then state "grievance denied."
- * Agree to settle the grievance/complaint until you have discussed the case with the Division Director or designee and the Division of Personnel's Representative.

* Agree to a settlement that is outside of the supervisor's authority or the department's authority. (Settlements that would provide any term of employment different than the term in the collective bargaining agreement are outside of the department's authority and may be authorized only through the Division of Labor Relations.)

Division Directors will ensure the Deputy Commissioner is briefed regarding any grievance action for informational purposes.

ATTACHMENTS:

None

