

7 WAYS TO LOSE A WINNING GRIEVANCE

1. MISS A DEADLINE

If you were management, would you give the union a little slack if they filed an appeal too late – especially on a case that was going to cost the employer either a lot of money, authority or embarrassment? No way!

If you have something within a certain time frame, get it done. It could be filing a document, preparing for a hearing, submitting a brief or filling out a form. It makes no difference. The longer you wait, the greater the chance that you'll miss the deadline and lose your case.

2. WAIT UNTIL SOMEONE COMPLAINS ABOUT THE ISSUE TO YOU

If just because nobody brought a problem to your attention earlier doesn't mean the union shouldn't have known about it. If it started to happen a year ago, and nobody made it an issue until recently, it may be too late to do something.

That's why somebody, preferable a group of stewards, needs to examine changes in the workplace as they are happening. Can management do that under the terms of the contract? Does it hurt employees? Is it legal? If you wait until someone complains about, it may be too late.

3. FAIL TO ARRANGE FOR WITNESSES TO ATTEND HEARINGS

You may have a fantastic eyewitness who will verify everything the grievant alleges.

If you wait until the last minute to notify the eyewitness about a hearing date, you may find that he or she is out of town, in a hospital or just plain unreachable. Then where will you be with no corroborating testimony?

Be sure your witness knows when and where the hearing is, too. Witnesses aren't much good if they show up at the wrong place or time to testify.

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5. FAIL TO CITE THE MOST COMPELLING SECTION OF THE CONTRACT

Some people will routinely add the words "other related sections" to the part of the grievance form that asks you to specify the contract section that was violated. Later in the grievance process, someone may figure out that some other section of the contract provides a stronger argument. Always check the full contract first. Talk it over with someone else who knows the contract. Cite all the articles that reasonably seem to apply. But if you can hold options (by listing "and other related sections") until you are asked to be more specific, you may buy some time to strengthen your case.

6. GET PERSONAL

It lessons your victory if management drags out the grievance process needlessly long. If they stall things because they think they can win, there's not much you can do. However, if they do it just out of spite and personal animosity, maybe you could have prevented it by keeping the grievance process strictly professional and not a grudge match between two individuals.

Winning it is own reward. You were right and management has to acknowledge it. Don't give them an unnecessary reason to postpone the final resolution.

7. FIGURE OUT WHAT WINNING REALLY MEANS - AFTER IT'S TOO LATE

"Winning" is not always as clear as it seems. Sometimes winning means getting redress – that is, undoing a wrong or winning some sort of compensation for the victim. In other cases winning means setting a precedent for the future. In yet other cases, winning may be seen as holding management accountable for its actions – an apology, public acknowledgement that they were wrong or embarrassment of a particularly authoritarian boss. Know what kind of win you want when you start the process, because these goals may be competing – or even exclusive of each other. You may "win" the grievance, in the formal sense. But if you didn't demand the right resolution, it probably won't feel much like a victory

- Adapted from Tom Israel, NEA

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