

Approved by Executive Board  
February 9, 2016  
Approved at Representative Council  
February 23, 2016

## Internal Grievance Policy

In order that the Master Contract with the United School Employees of Pasco (*Union*) and the District School Board of Pasco County (*District*) is enforced properly and fairly, these internal guidelines have been established to provide an orderly procedure whereby grievances are processed.

### I. Types of Grievances

A grievance is a complaint by a bargaining unit member or by a group of bargaining unit members that there has been a violation, misinterpretation, or misapplication of this Agreement and shall be subject to settlement under all provisions of this article.

When a complaint arises alleging that:

- a. a policy or practice is improper or unfair; or
- b. there has been a deviation from a misinterpretation or misapplication of a practice or policy; or
- c. there has been unfair or inequitable treatment by reason of an act or condition contrary to existing policy or practice.

(Such complaint shall be subject to settlement under all provisions of this article excluding Step Five of Article VI, Section C of the SRP or Instructional Master Contract)

Any member of the bargaining unit who is a member of the union may file individual grievances.

Union grievances may be filed on behalf of the union and require the approval of the President and/or his/her designee before they are filed.

More than one member from the same or different schools may file group or class action grievances.

Further specifics on the procedure can be found in Article VI - Grievance Procedure in both the Instructional Master Contract and SRP Contract.

## II. Securing Union Assistance

A member who suspects that he or she has grounds for filing a grievance and who wants union assistance should contact the union immediately for consultation and protection of grievance procedure timelines.

### Procedure

Any SRP or teacher who believes that he/she may have a grievance shall follow the Grievance Procedures as prescribed in Article VI of the SRP or Instructional Master Contract.

A member wishing to appeal a grievance from Step One to Step Two one must notify the union in writing within the timeframes specified in Article VI.

NOTE: Florida statute does not require that grievances be filed for non-members. Our state and national legal departments very strongly recommend that USEP not represent non-members in grievances. Under PERC law if USEP denies someone representation on the basis of non-membership, he/she will be notified in writing that according to the provisions of Florida Statute 447.401 USEP will not be processing the individual's grievance. The decision to deny representation based on the non-membership status will be made initially.

Members have the right to be represented at all levels of the grievance by a representative of the union.

## III. Level of Support for Arbitration

Each year the USEP President shall appoint an Arbitration Panel composed of ~~four~~ three building representatives, and one Executive Board member. The President or his/her designee shall serve as a voting member of this panel.

Determination of whether a grievance will be processed to arbitration will be made as follows:

- If the grievance has merit, the Arbitration Panel will approve processing the grievance to arbitration.
- If the grievance does not have merit and the Arbitration Panel denies processing the grievance to arbitration, the grievant may appeal that decision to the USEP Executive Board. The Executive Board member of the Arbitration Panel shall recuse themselves from the appeals process so as to avoid any conflict of interest.
- Discussions of the merits of the grievance will be held in executive session and the grievance will be discussed by number, rather than by the name of the grievant.
- The Decision of the Executive Board shall be binding.

#### **IV. Deciding to Arbitrate**

Both the Arbitration Panel and the Executive Board shall consider the following criteria during the deliberations:

- Does the Union have credible evidence, witnesses and arguments to support its position?
- Is there a reasonable chance of winning the case?
- Is the cost worth the economic and political gains sought?
- Is it incidental or precedent setting?
- Are serious political considerations involved?
- Will the grievance achieve the goal sought?
- Will a victory deter the employer from similar adverse actions in the future?
- Will a victory help resolve problems or merely stimulate new grievances by other employees?
- Have all procedural steps including timelines been followed properly?

If the union determines that the grievance is not meritorious, USEP will notify the grievant in writing as required by PERC law. Decisions will not be made in an arbitrary, capricious, and discriminatory manner in order to avoid an Unfair Labor Practice charge being filed and sustained against the union.

#### **III. Responsibility of the Grievant**

Upon securing Union assistance, the grievant will be responsible for the following:

- Providing the Union with all information it requires or requests in processing the grievance.
- Informing the Union about any meetings or incidents relating to the grievance.
- Cooperating with the Union in preparation for processing the grievance.
- Notifying the Union of his/her intent to drop, modify or settle any grievance action.

The grievant is required to comply with these guidelines as set forth. Failure to comply may lead to the union's withdrawal of assistance.

#### **IV. Compliance with Florida Statutes**

Any part of these guidelines, which are found to be in violation of Florida Statutes, shall not be deemed valid except to the extent permitted by law. All other parts shall continue in full force and effect.