

SUPERVISOR'S/MANAGER'S
GUIDEBOOK TO
HANDLING GRIEVANCES



Chief Administrative Office
Employee Relations Division

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DEFINITION OF GRIEVANCE

Section 5.04.230 of the Los Angeles County Employee Relations Ordinance describes a grievance as "...any dispute concerning the interpretation or application of this chapter (5.04 of the County Code), or of a written agreement between the county and a certified employee organization, or of rules or regulations governing personnel practices or working conditions. A dispute over the terms of an initial or renewed collective agreement does not constitute a grievance."

The Employee Relations Ordinance also allows for a negotiated agreement between the County and certified employee organizations regarding procedures for handling grievances. The negotiated procedures for represented employees are contained in the Memoranda of Understanding for each bargaining unit. Grievance procedures for non-represented employees can be found in individual Departments' policies and procedures manual.

The standard definition of a grievance is: "Grievance" means a complaint by an employee concerning the interpretation or application of the provisions of a Memorandum of Understanding or of rules and regulations governing personnel practices or working conditions, which complaint has not been resolved satisfactorily in an informal manner between an employee and his/her immediate supervisor.

GRIEVANCE HANDLING

The primary purpose of the grievance procedure is to provide a mechanism for employees and management to resolve matters during the term of the contract. The grievance procedure can be an effective tool in peacefully settling disputes or complaints, thereby avoiding costly work actions/strikes.

Supervisors are the key to this process because they are in the best position to solve most problems before they reach the formal grievance stage. The use of the principles and practices described in this section will assist supervisors to maintain efficient and effective control both before and during the formal grievance process. Supervisors who have any questions about how a grievance should be handled should always check with their immediate supervisor before taking action. The grievance procedure allows both parties time to respond. Management should take advantage of that time to ensure that their response is correct.

Supervisors and the Grievance Process

The working relationships supervisors establish with their employees are very important in determining whether or not a grievance ever gets started. Many problems can be resolved short of a formal grievance. The filing of a grievance, however, does not automatically reflect negatively on a supervisor. Many other considerations may influence an employee's decision to file a grievance. When confronted with a grievance, the supervisor should keep the following points in mind:

1. **Grievance Hearings Should Not Cause Disruption of Departmental Operations**

The grievance procedure provides for the investigation and resolution of grievances with minimum interference in orderly and efficient operations. Whenever possible, the discussion between supervisor and employee should be arranged for a time that is mutually agreeable to the parties and held in a place that affords privacy.

2. **Be familiar with appropriate Memorandum of Understanding (MOU)**

Grievance procedures vary from one MOU to another. Supervisors and managers must be aware of their responsibilities as outlined in MOUs and department's policies and procedures manual. They should read and be familiar with these responsibilities before they are required to address a grievance. Supervisors should pay particular attention to time limits. Questions or problems should be referred to higher-level managers for assistance.

3. **Be familiar with the Department's Policies and Procedures**

In most cases, the grievance procedure for non-represented employees can be found in the Department's policy and procedures manual. It is also important that

supervisors become familiar with the policies and procedures in the event an employee files a grievance regarding work-related issues covered in the manual.

4. Supervisors Represent Management

It is said that management speaks with one voice. Supervisors should always be management's advocate. Differences of opinion with a management position should be communicated upward prior to responding to the grievance. Once a final decision has been made, it is a supervisor's responsibility to present management's position to the employee.

5. Supervisors Should Not Allow an Employee or His/Her Representative to Intimidate Them

Occasionally, employees attempt to pressure supervisors during grievance hearings. Supervisors must be aware of their rights and their responsibilities. They should never commit themselves to a finding until they are certain of their position. If an answer to the question received in the grievance is unknown or a point unclear, available time between the grievance meeting and the decision due date should be used to check on it. If more time is required, management should request an extension to the response time.

6. Grievances Are a Serious Matter to the Employee Concerned

Supervisors must remain serious and sincere at all times when handling grievances. Their goal is to work toward the just and proper resolution of the problem within the framework of County and departmental policies, procedures, rules and regulations.

7. An Employee Grievance Should Not Be Taken as a Personal Attack

Employee organizations have their own internal politics. Some grievances that may appear insignificant to supervisors are probably brought up for other reasons. Keeping this in mind may help immediate supervisors look at grievances objectively rather than as something directed at them personally. Personal feelings should be kept out of the grievance process.

8. Be Aware of the Need for Possible Policy Changes

If supervisors come across a regulation or a policy that is unclear or causes numerous grievances, they should inform higher management of the problem and suggest appropriate changes.

9. Supervisors' Decisions May Occasionally be Reversed at a Higher Step

Supervisors should not take reversal of their decisions personally. Additional facts may come to light affecting the case, or the need to change policy may become

apparent. If this does occur, supervisors should contact higher-level management to determine rationale for the decision as a guideline to more effectively supervise their section or to deal with similar grievances in the future.

Adhere to the Grievance Procedure

Most grievance procedures allow for the waiver of certain steps by mutual consent. In most cases it is not advisable to exercise this option. Even though the problem may have been discussed informally, it is strongly recommended that the issue be reviewed once the grievance has been submitted in writing.

This not only gives the employee a complete and thorough review of his/her grievance, but it helps to inform higher levels of management of the circumstances and issues involved.

Each step of the grievance procedure should help to further pinpoint the issues so that if and when the third and final step is reached, the matter is substantially clarified.

In addition, the employee is the moving party and is responsible for moving the grievance from one level to the next. Supervisors should not forward the grievance to the next level on the employee's behalf, but they should be prepared to tell the employee who will handle the next level and the time lines for moving forward.

Grievance meetings should be scheduled at a mutually acceptable time for the parties; however, overtime should not be expended for this purpose.

Complying with the Time Limits

Time limits are an essential feature of any grievance procedure. They ensure that problems raised are brought to management's attention within a reasonable period of time and that management's response is timely. Time limits are established in applicable Memoranda of Understanding for represented employees or the concerned department's policies and procedures manual for non-represented employees.

Supervisors should not accept grievances in which time limits have been exceeded. Instead, the supervisor should indicate that the grievance is not valid, so inform the employee, and then informally review the issue to determine if the employee complaint has merit. If so, appropriate adjustments can be made.

Supervisors should not do anything to cause the employee or his/her representative to exceed time limits. Do not deny a grievance as untimely if management caused the untimeliness.

Most MOUs allow for the waiver of time limits by mutual agreement. If an extension becomes necessary, it requires the written consent of both parties involved. As a matter of course, the agreed to extension should be attached to or noted on the grievance form.

A new time limit may then be set which is acceptable to both management and the employee. If either party refuses a time limit extension, prescribed time constraints will prevail.

Initial Review of the Grievance

1. Time Limits

As stated above, it is important to be aware of and comply with the time limits set forth in the appropriate MOU for represented employees or the Department's manual of policy and procedures for non-represented employees. The time limits in the MOU were agreed to by both management and union, and any change by either party could have the effect of altering the MOU.

2. Identify the Violation

Every effort should be made to have the employee identify the specific working rule or MOU provision being grieved. Most MOUs contain language indicating that the union agrees to encourage an employee, who files a formal written grievance, to state clearly and concisely the specific action being grieved, the article violated and the specific remedy requested. The grievance may be returned to the employee if these items are not clearly stated.

3. Ensure That the Remedy the Grievant is Seeking is Clearly Identified

Supervisors should ask the grievant to state clearly what he/she is seeking as a solution to the grievance. The solution or remedy may actually become a major issue, especially if the grievance is found to be valid or if there is a potential for liability to the Department and/or County. Management and the employee may agree that the grievance is proper, but they may disagree as to what should be done to fully resolve the matter. Therefore, it is important to identify the remedy at the very beginning.

4. Inappropriate Remedies

Grievances seeking as a remedy discipline or discharge of management or supervisors are not appropriate. It is up to management to determine if any disciplinary action against a supervisor is warranted.

5. Other Administrative Remedies

Some issues are not grievable; therefore, the employee should be informed of other administrative remedies available for the processing of complaints as follows:

Issue
Discharges

Appropriate Jurisdiction
Civil Service Commission

| | |
|--|--------------------------|
| Reductions in Rank | Civil Service Commission |
| Unsatisfactory Performance Evaluations | Civil Service Commission |
| Unsatisfactory Probationary Evaluations | DHR – Appeals Division |
| Appraisal of Promotability/ Promotional Process | DHR – Appeals Division |

Issues excluded from arbitration can be found in the grievance procedure article (arbitration section) of the MOUs.

Investigation of the Grievance

1. Be Thorough in the Investigation of Each Grievance

Complete investigation of all grievances will ensure sufficient review of the issues involved and may reduce the number of grievances appealed to higher levels.

2. The Burden of Proving That Management Violated a Rule, Policy or Law Lies With the Employee

Supervisors should listen to the employee's challenge of the rule, policy or law without being defensive. Management's right to take action sanctioned by these rules, policies, regulations and laws is clear and needs no defense. Only in the case of discipline should management be prepared to explain why a particular action was taken.

3. For Most Grievances it Will be Helpful to Know the Grievant's Personnel Record

Information such as length of service, jobs held, attendance records, performance evaluations, disciplinary records, etc., may be necessary to assess the total situation. Obtaining copies of these records may be helpful in reaching a decision.

4. For Some Grievances, It May Be Helpful to Examine Departmental Grievance Records

In some cases, supervisors should contact their Employee Relations/Personnel Office and ask them to review grievance records to determine if similar issues have surfaced and what decisions were made on the same issues.

5. If a Provision Is Not Understood, Get An Interpretation From Higher Level Management

Consistent interpretation of policies and regulations is an important element in effectively handling and resolving grievances. Before decisions are made, pertinent provisions must be clearly understood. Supervisors should not hesitate to ask higher-level management for assistance in interpreting rules in question.

6. Research Grievances Personally

If matters, such as the physical location or condition of the work area relate to the grievance, supervisors should personally inspect the area to evaluate the conditions themselves.

7. Record the results of the investigation

A full record of the investigation should be made and the Department's position, arguments, witnesses and evidence, etc., for possible future review by higher levels of management.

8. Handle Each Grievance As Though it May Eventually Result in Arbitration

Each grievance should be investigated and handled as though it may eventually result in an arbitration hearing. When the grievance is initially discussed, it is not known whether it will go all the way through the process. Supervisors should treat it carefully at his/her level than to wish he/she had done so after it has been appealed to a higher level. Therefore, all of the facts should be gathered, the work location of the grievant visited, the MOU reread, possible witnesses spoken to, and do whatever else may be necessary to ensure a thorough investigation. Supervisors should check what was done in similar grievances, and determine whether employees have been treated differently under similar circumstances; if so, why.

Discussing the Grievance

1. Representation

In most cases, it is advisable to resolve the grievance by direct discussion between the employee and the supervisor. Successful attempts at communications strengthen the supervisor-subordinate relationship. However, the employee, pursuant to existing law, does have a right to representation.

This representation includes, (1) assisting the employee in the preparation of the grievance, not on County time, and (2) the presentation of the grievance, in hearings, throughout the entire process, on County time. There are three types or representatives:

a) The Union Staff Representative (Business Agent)

This individual is generally a full-time paid staff person from the union.

b) The “Steward”

This person is a County employee who has been designated by the union to act as representative for the union in assisting employees in the handling of grievances.

c) Employee Choice (Other than Business Agent or Steward)

Anyone the employee chooses – attorney, friend, husband/wife, etc.

2. Role of Supervisor

The supervisor’s relationship with the employee’s representative should be friendly and open in resolving grievances and in resolving day-to-day problems. The supervisor must keep in mind that the purpose of the meeting is to resolve the grievance as amicably and expeditiously as possible. The supervisor should conduct himself/herself in a manner that will achieve this purpose. The employee and representative must be treated as equals with the right to make a full and complete presentation on the facts and issues.

Supervisors should not discuss the grievance with the representative outside the presence of the grievant. If the employee has representation at the first step of the grievance process, the supervisor should contact his/her Department’s Employee Relations or Personnel Office for assistance/guidance.

3. A Full Hearing Should Always be Afforded to the Grievant

Regardless of whether the grievance appears to be valid, supervisors should always give the employee a complete hearing on the grievance. The employee should be permitted reasonable latitude in presenting the grievance. However, supervisors do not have to take any abuse or allow the grievant and/or union representative to demean management personnel. If the employee or his/her representative uses language that is threatening or provoking, the supervisor should adjourn the meeting. On the other hand, supervisors should never lose his/her temper or make threatening or provoking remarks. Supervisors do not want to argue with the representative in the presence of the employees; discussions with the representative should be held privately. The purpose of the meeting is to attempt to resolve the grievance.

4. The Grievance Hearing Should Never Get Out of Control

When it is obvious that tempers are short and nothing productive is being accomplished, serious consideration should be given to ending the session and rescheduling the meeting for another time.

5. Supervisors Should Always Require a Clear Identification of the Specific Rule, Policy or Law Allegedly Violated

It is important to determine what provision was violated, is missing or is unfair. The circumstances surrounding the violations should always be determined.

6. Determine Exactly What Solution is Being Sought for the Grievance

Having a full understanding of what the grievant wants may prevent future misunderstandings. Written grievances should indicate the desired resolution. This information will help to clarify the issues as the employee perceives them.

7. The Supervisor Should Get the Facts in the Grievance Meeting

In the discussion, the supervisor should attempt to have the employee state all of the facts and present evidence supporting his/her grievance.

8. The Supervisor Should Create a Written Record

It is important to make a written record of the informal discussion with the grievant. This written record should include, 1) where, when and what happened and, 2) what the employee wants done about it. The record should also include the names of witnesses, if any, and other relevant information.

It is also important that all pertinent information presented at the formal grievance meeting be recorded. The supervisor should make a full record of the grievant's and management's positions, arguments, witnesses, evidence and participants in the discussion.

9. A Grievance Should Always Be Discussed with the Grieving Employee

While the employee has the right to representation, supervisors have the right and responsibility to communicate directly with the employee, particularly during the formal hearing process.

10. Never Admit to the Binding Effect of a Past Practice

Just because something has been done a certain way in the past does not mean that it must be done that way in the future. However, if a change is anticipated, which may have a significant impact on the working conditions of employees, supervisors should consult with higher-level management, as changes in past practice may need to be negotiated with the union(s). It is a good practice to then communicate this proposed change to the employees.

11. Emphasize That Employees Must Obey Orders While the Grievance is Being Considered

This allows operations to continue in an orderly manner while the employee maintains the right to resolve the dispute through the formal grievance procedure.

Responding to the Grievance

1. Avoid Hasty Decisions

Unless a supervisor is absolutely certain of his/her course of action, he/she may wish to use all the time available to completely review the data before arriving at a decision. However, if agreement is reached during the hearing, move swiftly to settle the matter. Further discussion only wastes time and may bring up other issues which would interfere with the mutually satisfactory solution. Naturally, all decisions must be communicated to the employee before expiration of stated time limits.

2. Decisions Must be Consistent with MOU Provisions and Departmental Policy

Supervisors should never make “deals” or individual agreements that are inconsistent with existing MOU provisions and/or departmental policy simply to resolve a grievance. If a policy is unclear, unworkable or impractical this should be made known to higher management through the chain of command.

3. Management’s Response

It may be necessary to deny a grievance even though the supervisor agrees that the “fairest” thing to do would be to grant it; as part of the management team, the supervisor must be governed by what the MOU or department working rules say. Regardless of his/her opinion, the decision must be consistent with the MOU and/or department policies and procedures.

4. Past Practice

“But we’ve always done it this way,” is not necessarily a valid reason for sustaining a grievance. Grievances arising out of changes in a past practice are complex and supervisors should seek the advice of the departmental management representative before responding to such types of grievances.

5. If a Supervisor Intends to Support a Grievance in Full Or in Part, the Written Decision Must Be Clear

Indicate the specific reasons that allow the grievance to be granted and list out the portions, if any, of the grievance that have been denied. Supervisors should not let the employee or his/her representative believe that the total grievance has been upheld unless that is so. A supervisor’s willingness to correct an error is a real opportunity to earn employee respect and confidence.

6. If There Is Any Doubt, the Grievance Should Not Be Settled

Supervisors should not be pressured into making a decision on the spot. Even at the informal grievance level, he/she has five to ten days (depends on specific MOU

provisions) in which to make a decision or respond. Unless the supervisor is absolutely certain of what the response should be, time should be taken to look into a grievance before responding. If in doubt, the matter should be further investigated and reviewed. Supervisors should seek advice from his/her supervisor or department's management representative.

7. Never Indicate "Unable to Resolve At This Level" On The Grievance Form

Do not indicate "Unable to Resolve At This Level" on the grievance form. An outside authority (hearing officer, etc.) might construe your response as agreeing with the grievant but not having the authority to settle the grievance. It is advisable to waive the grievance if provided for in the MOU or to simply deny it if the supervisor does not have the authority to settle it.

8. When Denying a Grievance, Be Brief

In most cases, it is advisable to communicate the reason for a decision to the employee orally and then simply indicate "Grievance Denied" on the grievance form. Excessive verbiage on grievance responses can result in misstatements that may be used against management at subsequent levels of the grievance process or in arbitration hearings.

9. Let Employee Know Who Will Hear the Grievance at the Next Step

Consult with higher-level management to determine who will hear the next step of the grievance. The employee should be advised of this in the supervisor's written response to the grievant should he/she wish to pursue the matter.

10. Communication with Supervisor

Since the grievance may go to a higher level in your department, it is important to fully inform the next level supervisor of all discussions about grievances.

Beyond the Internal Grievance Process

Grievance Mediation

Mediation is an alternate dispute resolution found in some MOUs. Once the grievance process is completed, the matter may be moved to grievance mediation upon mutual agreement of union and management. Only grievances meeting the arbitration requirements can be submitted to mediation.

A mediator from the State Mediation and Conciliation Service will be appointed to assist the parties to reach an agreement. The mediator does not have the authority to impose a

settlement on the parties. All mediation sessions are confidential. The content of the mediation proceedings cannot be used if the matter is moved to arbitration.

Employee Relations Commission (ERCOM)

ERCOM is the controlling authority for represented employees. ERCOM is a neutral three-member panel appointed by the Board of Supervisors whose members are experts in the field of labor relations. The Commission oversees the administration of County employee relations, including the approval of appropriate employee representation units, the conducting of elections to determine employee representatives, the certification of employee representatives and investigation of claims of unfair labor practices.

If an employee is not satisfied with the final outcome of a grievance, the employee's certified union or association may move the grievance to ERCOM. ERCOM will decide whether the unions' allegations of contract violations should be sent to arbitration. It should be noted that employees cannot move matters to arbitration. Arbitration language in the MOU specifically states that the concerned union may request that grievances be submitted to arbitration.

Examples of grievances appropriate for arbitration are: (1) contract violations, e.g., transfer policies, etc., (2) suspensions of five (5) days or less, (3) performance evaluations—competent (if it contains punitive comments) or improvement needed.

Civil Service Commission (CSC)

CSC is a five-member commission appointed by the Board of Supervisors. CSC supervises the administration of the Civil Service Rules. Civil Service Rules provide for a merit system and govern how personnel actions like exams, promotions, and discharges must be conducted. CSC also has jurisdiction over grievances of six (6) days or more.

CHECKLIST FOR HANDLING GRIEVANCE AT FIRST FORMAL STEP

I. GET THE GRIEVANCE

- Let the grievant tell his story (listen)
- Do not personalize the issues
- Take notes, keep a record
- Get names
- Get dates
- Get times
- Get the section of the contract allegedly violated
- Get the remedy desired
- Ask the grievant to repeat his/her story
- Repeat the essentials of the grievance to the employee in your own words

II. GET THE FACTS

- Check the union contract
- Check the time limits
- Determine if issue is grievable
- Check Department policy and practices
- Check previous grievance settlements for precedent
- Check the experience of others in similar cases
- Seek advice if necessary
- In making decision, give the benefit of the doubt to management
- Reach a preliminary decision and check it with your supervisor or a personnel/employee relations representative.

III. GIVE YOUR ANSWER

- Settle the grievance at the earliest moment a proper settlement can be reached
- Explain your position orally
- Write a simple answer to the grievance
- Once it is made, stick to your decision
- Explain the employee's right to appeal

IV. FOLLOW-UP

- _____ Make sure any action you promised was carried out
- _____ Be alert to situations that might bring grievances
- _____ Correct such situations before a grievance is filed
- _____ Explain change to your employees
- _____ Be consistent
- _____ Know your employees and their interests
- _____ If disciplinary action is taken, do it privately
- _____ Constantly support management
- _____ If you have done all of the above, expect management's support

“DO’S AND DON’TS” FOR SETTLING GRIEVANCES

The parties usually solve their “big” problems when they negotiate the contract. The agreed-upon clauses serve the supervisor as guideposts, in administering the contract and in solving the day-to-day problems that “inevitably arise.”

At best, the contract represents an initial compromise for the stipulated time – a compromise not only on terms, but sometimes on language. The job of applying the contract clauses falls to the supervisor – staff or line. Often, he/she does not participate in negotiating the terms or language of the contract. He/she is, however, responsible – as part of management’s team – for applying them under varying operating conditions and to individual employees.

Problem solving is not a “one way street.” The supervisor, the employee and the union have a stake in the process. As management’s representative at the bench level, the responsibility for adjusting grievances fairly, objectively and consistent with the labor contract or the established policies rests on the supervisor.

The accompanying checklist of “Do’s and Don’ts” in grievance handling highlights the practices and pitfalls in the “problem solving” technique in dealing with shop stewards and union officers and in strengthening management’s enterprise, and at the same time satisfying a legitimate employee need. Observing these “rules” of conduct and procedures may even help to set the proper atmosphere for successful grievance handling.

1. Remember, settling a grievance is collective bargaining.
2. Be prepared to give or take acceptable compromises and alternative solutions within the contract framework.
3. Bargain as equals, and respect the rights of each party under the contract.
4. Recognize the union as the line and channel of communication for the bargaining unit.
5. Use and respect your supervisory channels of communication.
6. Recognize the union’s right to settle for those whom it represents.
7. Respect the office of the shop steward under the grievance procedure; insist that he respects your office of supervisor.
8. Give material facts that support your position.
9. Know the facts that are favorable and unfavorable to each party.
10. Do not withhold a material fact that affects the proper solution.

11. Acknowledge a material weakness on your side – be prepared to answer it.
12. Do not lose sight of a material weakness on the other side.
13. Do not ignore the “legitimate rights” of the other side under the contract.
14. Remember, the other side has to “sell” the settlement to their “principals.”
15. Hit the “nub” of the protest; do not “skirt” around it.
16. Bargain on the issue that gave rise to the protest.
17. Do not be led into arguing about “general principles.”
18. Stick to the contract; that is the agreement made between the parties.
19. Know what you can and cannot give or accept.
20. Calculate the possibility of “chain reactions” in every settlement.
21. Remember, each party must “pay a price” for production and job security.
22. Remember, settlement is compromise.
23. Do not have your grievance procedure “too loose or too tight.”
24. Do not by-pass your grievance steps or “time limits” and “conditions.”
25. Do not allow the other side to by-pass the grievance steps or “time limits” and “conditions.”
26. Do not compete with the union for “loyalty.”
27. Do not let the union “speak” for your line supervisors.
28. Do not undermine your colleague supervisors by your settlements.
29. Keep “politics” out of the process – outside and up and down.
30. Do not have management “represent” the aggrieved employee at the grievance table, and do not allow the union to “represent” the company.
31. Remember, you will not settle a grievance or solve a problem by a fluke, a trick or a nicely-worded formula.
32. Be careful of statistics; they become a “double-edged sword.”

33. Carry a brief case to the grievance hearing if you want to, but leave it under the table.
34. Recognize the union as a “political” entity.
35. Insist that the union recognize your company’s “business” responsibilities.
36. “Scotch” false communications and rumors.
37. Bargain-out and settle the entire grievance; avoid “piece-meal” settlements.
38. Keep your “notes” of the grievance hearing; they may come in handy at a later time.
39. Do not use the grievance hearing as a “prelude” for going to arbitration; settle within the framework of the contract.
40. Remember, you want to settle the grievance and the other side does too.
41. Remember, a just settlement is always better than the “best case” in arbitration.
42. Take the initiative at the hearing when it should be yours, especially with discipline cases.
43. Do not look for “too quick” a settlement.
44. Remember, “bargaining” never takes a straight line.
45. Settle for your needs; the union will take care of its own.
46. Do not make a settlement because it is “expedient” for the union or the shop steward.
47. Let the union representative “get off the hook” if he/she wants to – you, too, may have to some day.
48. Try to “sense” when a good compromise, within the contract, is in the offing.
49. Do not be afraid to accept a good compromise, even if the other side offers it.
50. Say “no” when you mean it, stick to it, and be prepared to justify it.
51. Square your “no’s” and counter-demands with your contract, policies and practices in all departments.

52. If a settlement or compromise is made, insist on knowing whether the union committee accepts it.
53. Live up to your settlements, and hold the other party to theirs.
54. Follow your “channels of communication” during and after the grievance hearing.
55. Remember, your staff and line supervisors have delegated authority to settle grievances.
56. Know the limits of authority of the union’s shop stewards and officers in grievance settlement, and act on them.
57. Exercise your authority at the grievance hearing; let others see that you have it, and use it!
58. Remember, both parties need “continuity of relations” and “uninterrupted production.”
59. Beware of agreements made with a handshake, as you or the other “negotiator” may not be present next year.
60. Keep your eye on the next contract negotiations.
61. Do not underestimate your opponent and his/her skill.
62. Remember, it is hard to take away something that has already been given.
63. Use demonstrable and “sensory” facts and records to support your action.
64. Remember, act in a professional, businesslike manner, so you can avoid discrimination, bias and favoritism or their implication.
65. Calculate the effect of the settlement on existing and future operating and personnel needs.
66. Preserve management’s rights in the settlement.
67. “Think with a pencil,” and settle the grievance in writing.
68. Remember, your case (the grievance) may be taken to arbitration.

**GUIDE TO DETERMINING PAY STATUS FOR COUNTY EMPLOYEES
ATTENDING COUNTY HEARINGS AND MEETINGS RELATED TO
COLLECTIVE BARGAINING AND GRIEVANCE MEETINGS**

| Type of Hearing | Responsibility for Pay | | | Authority for Payment |
|---|------------------------|-------|----------|-----------------------------|
| | County | Union | Own Time | |
| <u>Negotiations</u> | | | | |
| --Negotiations | X | | | MMB 3505.3 |
| --Mediation | X | | | Extension of negotiations |
| --Fact Finding | X | | | Extension of negotiations |
| <u>Grievances</u> | | | | |
| --Grievant | X | | | MOU |
| --Union Steward | X | | | Only for applicable MOUs |
| --County Employee representing grievant during working hours | | | X | County practice |
| --Witnesses | X | | | Only for applicable MOUs |
| --Steward or any County employee representing grievant during non-working hours | | | X | No authority |
| --Representative of non-certified employee organization | | X | or X | County policy |
| <u>Arbitration</u> | | | | |
| --Grievant/Party to Arb. | X | | | Arbitration Section in MOUs |
| --All other (steward, witnesses) | | X | or X | |
| <u>Unfair Labor Charges</u> | | | | |
| --Charging Party | X | | | County policy |
| --Witness | X | | | County policy |
| <u>Unit Determination</u> | | | | |
| --Hearings – Witnesses | X | | | County policy |
| --Unit Elections - Observer | X | | | County policy |
| <u>ERCOM Meetings</u> | | | | |
| --Representing self in matters on the ERCOM Agenda | X | | | County policy |
| --All others | | | X | No authority |