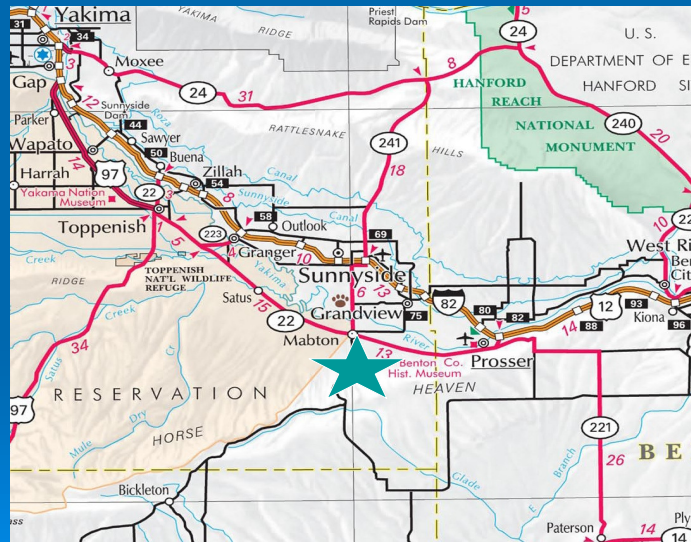


GRIEVANCE PREPERATION FROM INFORMAL TO ARBRITRATION

2011 ERNN CONFERENCE
MATT MALLERY, GRANDVIEW SD

District Overview



DISTRICT OVERVIEW

- Grandview is located in the Lower Yakima Valley (Between Yakima and Tri Cities)
- 3500 Students
- 190 Certificated Staff
- 100 Classified Staff
- 4 District Administrators
- 10 Building Administrators
- Economy-Agricultural Based

DISTRICT OVERVIEW

- Student Demographics
 - White: 11.7%
 - Hispanic: 87.2%
 - Free/Reduce Lunch: 77.6%
 - Transitional/Bilingual: 29.5%
 - Migrant: 19.2%
 - Drop Out Rate: 1.5%
 - On Time Grad Rate: 84.7%
 - Extended Grad Rate: 91.8

GRIEVANCE HISTORY

- 1998-2007: Interest based bargaining had been adopted and used effectively
- From 1998-2007: 4 grievances had been filed.
- 2006 New Union Leadership Elected and a new UniServe Representative appointed to district.
- 2007: Interest based bargaining rejected by the Association

GRIEVANCE HISTORY

- 2006: 4 Grievances Filed
- 2007: 6 Grievances Filed
- 2008: 4 Grievances Filed
- 2009: 5 Grievances Filed
- 2010: 5 Grievances Filed
- 2011: 1 Grievance Filed

GRIEVANCE HISTORY

- Four Arbitration Hearings Have been Conducted based on prior grievances
- District Record 3-1. One Arbitration has been appealed by the association.
- Two Unfair labor practice cases settled
- One ULP was Filed then dropped by the association.
- 2011-Two arbitration cases scheduled for March 2011

GRIEVANCE HISTORY

- Types of Grievances Filed.
 - Evaluation Procedure
 - Evaluation Comments
 - Planning Time
 - Professional Development
 - Change in Assignment
 - Tuition Reimbursement
 - Denial of Pay for non attendance of optional Day

GRIEVANCE HISTORY

- Types of Grievances Filed
 - Deduction in pay for non attendance at work
 - Meeting with Parents
 - Experience calculation on Salary Schedule
 - Class Overload
 - Teaching Hours

GRIEVANCE HISTORY

- Types of Grievances Filed:
 - Teacher mounting surveillance camera in classroom for discipline issues.
 - Site Councils and Building Decision Making
 - Non Renewal Process
 - Transfer of a teacher from teaching Advance Course to a Non-advance course.

Bargaining History

- 2007-Declared impasse in contract bargaining, settled in mediation (October)
- 2009-Declared impasse in contract bargaining, settled in mediation (November)
- 2010-Middle School/ MERIT/SIG School
- May 2010 developed an MOU for the MERIT Grant.
- Pending Bargaining for the Evaluation Tool.

Responding to Grievances

- Refer to the CBA in all cases
- Know your CBA Grievance Language
- Look at the language, and the “Intent” as it was bargained.
- Analyze each section of the contract alleged to be violated and respond to each section
- Contact your attorney if you are not sure

Responding to Grievances

- Question:
 - Did you violate the contract?
 - What impact will this have on students?
 - What impact will this have on Principals to operate their buildings effectively
 - Are you willing to “Give Up” management rights to keep good employee relations?
 - Are you willing to bargain contract rights via the grievance process?
 - Can you find a middle ground that serves both needs?

Grievance Process

- Refer to Collective Bargaining Agreement
- I. Individual Complaints
 - “Individual employee has a personal complain which he desires to discuss with the supervisor my do so without recourse.....
 -in the administration of the Grievance Procedure, the interest of the employee shall be the sole responsibility of the association.

Informal Process

- Principal Notifies the Superintendent that they have been contacted by the association
- This is an informational meeting, the principal usually meets alone with the association representative (Building Representative)
- If it is the grievance chair and Union President, the Principal has a district administrator attend the meeting.

Informal Process

- Principal gathers and listens to Association
- Principal Reports to Superintendent issue
- Supt/Principal/District Discuss Issue/Strategy
- Option I: Settle or clarify issue at this level
- Option II: No change to practice

Grievance Procedure

-In the event believes there is a basis for a grievance, the employee...accompanied by association representative....shall first discuss the allege grievance with supervisor...if not resolved, formal grievance procedures may be instituted.

Step I

- District receives formal grievance from the association
- Principal contacts the Superintendent
- Superintendent Contacts District Admin
- Research issue
- Contacts Attorney

Step I Continued

- Principal, accompanied by District Representative hears the grievance.
- Some discussion, but mostly gathering facts.
- Focus discussion around article in contract
- Establish/Confirm time line for response

Step I Continued

- District Admin drafts Step I response
- Send to District Attorney to review
- Step I reply are important. Set the stage for all of the other Steps in the response and for arbitration.

Step II Grievance

- Association submits Step II to Superintendent
- Notify of meeting within timelines
- During meeting, review concern and articles alleged to be violated
- Discuss possible remedy
- District Admin drafts response
- Review with Attorney

Step II Continued

- Superintendent notifies Board President of grievance as informational.
- Superintendent responds to grievance within timelines.
- May offer a remedy/may not

Step III-Board Level

- Superintendent Receives Grievance
- Informs the Board, schedules meeting within time limits.
- May Contact Attorney to attend
- District Administrator prepares hearing packet.

Step III-Board Level

- Prior to Hearing, Superintendent meets with board to review material/history and position of the district
- Board Listens to Association.
- Board may or may not ask questions of the grievant.
- Board responds back within the timelines.

Board Level-Response

- After Hearing, board discussed response with Superintendent
- Superintendent/Attorney Prepares Response.

Step IV-Arbitration

- Timelines
- Contact District Attorney
- Review List of qualified Arbitrators for AAA, PERC, or what is stated in CBA
- Prep, Prep, Prep.
- Determine if you want to proceed to settle?

Step IV-Arbitration

- Be prepared to respond to multiple Public Record Requests
- Association will survey and gather data with members. Normally during contract time.
- Prepare District List of Witnesses
- Association will ask district to pay for leave at hearing.

Step IV-Arbitration

- Expect a large Association team
- Charts, graphs, posters, and antidotal evidence from the association.
- Association Attorney will try and personalize complaint against superintendent
- Expect obscure, non related questions to elicit emotional responses from witnesses

Step IV-Arbitration

- Don't rely on the Arbitrator to be a referee or to act as a judge.
- Arbitrators will listen to any argument if they think it is interesting.
- Arbitrators can be "bullied" by the association as well as the district.
- Plan for new evidence to be introduced as some point by the Association never listed in the briefs.

Step IV-Arbitration

- Hearing Findings (Results) can take two weeks or six month.
- You can appeal the Arbitration finding.
- Each party submits appeal or a response
- Final Step, Superior Court.

Case Study

- Schedule Change Grievance
 - History
 - Response and Process

Contact Information

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