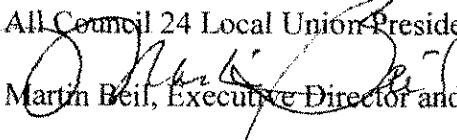
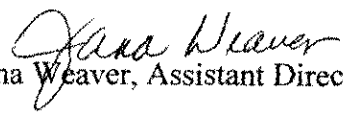


Council 24  
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Robert McLinn, President  
Martin Beil, Executive Director

TO: All Council 24 Local Union Presidents  
FROM:  Martin Beil, Executive Director and  Jana Weaver, Assistant Director  
RE: Changes in the Grievance Procedure  
DATE: October 24, 2008

In the past several months we have seen change in the way we do business with the Office of State Employment Relations (OSER). This change is not a positive one. OSER staff has become increasingly strict, narrow and rigid in their interpretation of the contract. Instead of attempting to resolve problems, the pat answer is "we have a contract to follow" or "the contract doesn't call for that". We are being forced to arbitrate issues that we have won over 30 years ago. Labor Relations is at an all time new low. Due to OSER's strict interpretation of the contract, we as a Council had to look very closely at contract provisions, especially those in Article 4, the Grievance Procedure. Article 4/2/7 states that the union has the responsibility to appeal 2<sup>nd</sup> step grievances to arbitration within 15 days for a termination grievance, and within 30 days for all other grievances, from the date the 2<sup>nd</sup> step grievance was answered, or WHEN IT WAS DUE, which ever is earlier. A strict interpretation of the contract would mean that all 2<sup>nd</sup> step grievances must be appealed to arbitration if not heard and answered within the 21 day time limit or be lost. We have written OSER to requesting clarification of their intent, but have not received a response.

Therefore, we see no choice but to carefully follow the contract and begin to appeal all 2<sup>nd</sup> step grievances that are not heard and answered within the 21-day time limit. This will necessitate the following changes in the way we do business. First, continue to send your grievances to Council 24 - Attention Marie - for processing. When the field staff receives the grievance, they will notify the employer they need to hold a hearing. If the hearing is held and the answer rendered, the grievance will continue as normal. If the 2<sup>nd</sup> step grievance is heard but not answered within the 21-day time limit, the grievance will be appealed to arbitration. If the grievance is not scheduled for 2<sup>nd</sup> step in 21 days, it will be appealed to arbitration. Requests from the employer to go back and have a 2<sup>nd</sup> step hearing after the appeal to arbitration is sent will not be honored. To ensure the field staff receives all the valuable information they normally get from the 2<sup>nd</sup> step hearing, staff representatives and their local presidents will decide how to fulfill this need through meetings with the grievant, chief steward or local president. After this step the grievance will continue through the normal grievance review process.

We know that this will create horrendous backlogs at arbitration, but given the employer's new attitude, we need to protect our "duty to fairly represent". We ask that you work with us and be patient while we try to work this through. As always, if there are issues or significant problems with this new process, please contact your field representative, or one of us.

MB:lm

