KNOW YOUR RIGHTS!

Enforcing Our Rights Through the Grievance Process

IF WE DON'T STAND UP FOR OUR RIGHTS, OUR CONTRACT IS JUST WORDS ON PAPER

The grievance process is one way that we enforce our rights when the District violates our contract. Standing up for our rights protects **all** members, and every grievance is an opportunity to build our collective power. We respond together because **an injury to one is an injury to all!**

GRIEVANCE TIMELINES

Members should talk to their union rep right away when an issue comes up, especially since our grievance process has time limits. Members must have a Step 1 conversation *and* file a Step 2 form **within 15 workdays** of the contract violation (or from finding out about the violation.) It's a good idea discuss grievances at union meetings to build support and gather information, but don't wait until the next scheduled meeting to bring up a potential grievance.

START LOCAL & ESCALATE IF NEEDED

Most grievances can be resolved at the local level with your direct supervisor, but if that doesn't work there are steps to escalate to the District level (and beyond.)

BEFORE FILING A GRIEVANCE:

Along with your rep and/or colleagues, you should gather information and be ready to discuss:

1. **What part of the contract was violated?** There are Know Your Rights flyers available to help you understand the contract, but find the specific contract section(s), too.
2. **How was the contract violated?** You can also collect evidence of what happened and support your argument that it was a violation.
3. **What must happen in order for the grievance to be resolved?** What remedy would fix the problem?

REMEMBER: WE HAVE THE POWER!

It is the responsibility of SDEA members to move grievances through each step of the process, and it is up to members to decide when the grievance is resolved. The boss doesn't get to tell us when the issue is fixed or when to give up!

GRIEVANCE PROCESS OVERVIEW *(DETAILED STEPS & TIMELINES ON THE NEXT PAGE)*



SOURCES & RESOURCES:

- SDEA Contract, Article 15: Grievance Procedure
- Contract Resources: Know Your Rights

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Grievance Steps & Timelines

WHAT HAPPENS AT EACH STEP?		WHEN?	WHO IS INVOLVED?
STEP 1 	**Informal discussion with supervisor or other appropriate admin, about the contract violation** *Sometimes asserting your rights is enough to solve the problem!*	**Informal grievance discussion:** Within 15 workdays of the violation or when member(s) learned about or reasonably should have known about the violation *Even if this step is not as formal, it's important to clarify that this is a **grievance**. A meeting is more effective than a brief hallway chat.	**Impacted member(s)** **Union Rep** **Immediate supervisor or other appropriate administrator**
STEP 2 	**Step 2 form, Step 2 meeting & Response** *If the informal Step 1 grievance didn't resolve the violation, this is more formal, with a form and a meeting.*	**Form:** File Step 2 form within 15 workdays of the violation or when member(s) learned about or reasonably should have known about the violation **Meeting:** Hold Step 2 meeting within 10 workdays of filing the Step 2 form **Response:** If not resolved in meeting, supervisor has 10 workdays to respond in writing	**Impacted member(s)** **Union Rep** **Immediate supervisor or other appropriate administrator**
STEP 3 	**Step 3 appeal, Step 3 meeting & Step 3 Decision** *If the violation can't be resolved at the site or program level, escalate the grievance to the District level.*	**Form:** File Step 3 appeal within 10 workdays of the supervisor's written Step 2 response **Meeting:** Schedule Step 3 meeting to follow the filing of the form. SDUSD Labor relations must schedule this within 20 days of receiving the form **Response:** If not resolved in meeting, Labor Relations has 10 workdays to issue a written decision.	**Impacted member(s)** **Union Rep** **District Labor Relations**
STEP 4 	**Arbitration** *If the violation isn't resolved at the District level, SDEA members decide whether a third party should weigh in.*	**Board Decision:** For grievances not resolved at lower levels, the SDEA Board of Directors votes on whether or not it goes to arbitration with a neutral third party **Arbitration:** After hearing both sides, the arbitrator makes a ruling. That decision is binding and sets a precedent for future contract interpretation!	**Impacted member(s)** **Union Rep (Could be an attorney)** **District Labor Relations** **Arbitrator**
STEP 6 	**Appeals:** The arbitrator's decision in Step 3 can only be appealed (by either side, SDEA or the District) under very specific conditions, like arbitrator misconduct.		

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- Know Your Rights Flyers & Other Contract Resources

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Grievance Steps & Timelines

SITE LEVEL: WITH DIRECT SUPERVISOR OR OTHER APPROPRIATE ADMIN

From violation or reasonable knowledge of violation: 15 days for Step 1 convo & Step 2 form

CONTRACT VIOLATION!!!



STEP 1



STEP 2







Schedule meeting within 10 workdays of receiving form

If not resolved in the meeting, admin has 10 workdays to respond in writing



DISTRICT LEVEL: WITH SDUSD LABOR RELATIONS

From written Step 2 Response: 10 days to file Step 3 form & 20 days to meet

IF NOT RESOLVED AT STEP 1 OR 2...

Member(s) can take grievance to the District

STEP 3







Schedule meeting within 20 days of receiving form

If not resolved in the meeting, Labor Relations has 10 workdays to issue a written decision



THIRD PARTY ARBITRATION

IF NOT RESOLVED AT STEP 3...

SDEA Board votes whether or not to send grievance to arbitration

STEP 4





STEP 5

The arbitrator's Step 4 decision can only be appealed (by SDEA or the District) under specific conditions.

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