

2.03.030 Grievance Review Committee

- A. The members of the Grievance Review Committee shall consist of eight (8) experienced GGU stewards, with two from the Central region, two from the Southeast region, two from the Northern region, and two from the Rural or Bush regions. Appointments are for three (3) years. Grievance Committee members will be appointed by the President with the approval of the ASEA/AFSCME Local 52 State Executive Board. The President shall designate the Chair of the Grievance Review Committee. Members are allowed to serve subsequent appointments as long as they remain stewards, work in the location for which they were assigned to represent, and that they meet training requirements noted in Section C, below. No members of the ASEA/AFSCME Local 52 State Executive Board may be appointed to the Grievance Review Committee.
- B. For the purpose of this Policy and Procedure, an experienced steward is defined as an ASEA member who is an elected steward and has at least two years of steward experience prior to appointment to the Grievance Review Committee.
- C. ASEA/AFSCME Local 52 will provide mandatory annual training for all committee members, and initial training for all newly appointed committee members. Newly appointed members must receive training within six months of their appointment. Failure to meet the training requirements is grounds for removal from the committee.

2.03.031 Right of Appeal

- A. Each General Government Unit member is entitled to have disputes with the State promptly considered by the Union. This Grievance Review Policy is applicable to all grievances covered by Article 16 of the current Collective Bargaining Agreement or the comparable provision of any successor agreement. Appeals are not available for complaints, as defined in Article 15 of the current Collective Bargaining Agreement, or the comparable provision of any successor agreement, nor does it apply to classification reviews (Article 17) or performance evaluations and incentives (Article 18), or the comparable provisions of any successor agreement. The following actions may be appealed by the member pursuant to this Grievance Review Policy:
 - 1. The refusal to advance a grievance at any step;
 - 2. Any disagreement regarding a proposed settlement; or,
 - 3. The decision whether to proceed to arbitration.The jurisdiction of the Grievance Review Committee is limited to Items 1., 2., and 3. above. Other disputes, such as disagreements over hearing strategy, witnesses, and decisions falling within the discretion of the Business Agent or Business Manager, are not subject to this Grievance Review Policy.
- B. All members are entitled to appeal in writing any of the above-described actions to the Union's Grievance Review Committee.
- C. Upon certified receipt of the Union's notice that it will not proceed with the grievance (as defined in Paragraph 1) the member may file a written appeal. The member's appeal must be received by the Union, or postmarked within 10 calendar days of the member's receipt of the Union's notice.
- D. Questions of timeliness shall be decided by the Grievance Review Committee. Circumstances beyond the member's control which delay the filing of an appeal may be considered by the Grievance Review Committee.
- E. Appeals will be processed in an expedited manner. A panel of three (3) members of the Grievance Review Committee shall meet as needed to hear and decide pending appeals.

- F. All proceedings shall be confidential, unless the member filing the appeal waives confidentiality. All documents produced in support of or in opposition to any appeal shall not be distributed to anyone other than the Business Agent, the member, the Business Manager, and the members of the Committee hearing the appeal. Such documents shall become a permanent part of the Union's grievance file.

2.03.032 Standards of Review

- A. A panel comprised of members of the Grievance Review Committee shall meet as needed to hear all pending appeals. The members of each Panel will be selected by the Chair, who shall designate one Panel member to serve as Panel Chair. The Business Manager (or his/her designee) will coordinate the hearing schedule. The Panel shall not consist of co-workers of the appealing members. Any Panel member who is biased or may appear to be biased shall withdraw.
- B. Business leave will be authorized only for Panel members, for both preparation and hearings. GGU members who are appealing decisions to the Panel shall be responsible for their own expenses.
- C. The Business Manager will forward all paperwork pertaining to the appeal issue to the Hearing Panel members for review and to better prepare themselves to hear the appeal. Panel members must safeguard all hearing documents from public view.
- D. Neither ASEA/AFSCME Local 52 nor the appellant will be entitled to more than two witnesses – in addition to the appellant, Steward, Business Agent, and Business Manager – unless a request for additional witnesses is made in writing and received 10 calendar days prior to the date of the hearing. Hearings may be conducted telephonically. Advance notice of the hearing shall be adequate to arrange the presence of other witnesses deemed necessary by the participants or the Panel.
- E. At the hearing the parties may present evidence and arguments. The right of the parties to hear and cross-examine all witnesses shall be respected. The Panel Chair shall assure that each side has a reasonable opportunity to present its case. However, he/she may limit the length of testimony and make reasonable rulings to expedite the proceedings, subject to review by the entire Panel.
- F. If the panel needs additional information, it shall act together and not separately in requesting additional information be provided by the Union staff or appellant. The Panel members shall avoid individual contact with any party or witness during the appeal process with regard to the subject of the appeal. In the event additional information is requested, the hearing shall be postponed until the next Panel meeting, at which time the Panel will hear and decide the appeal.
- G. Once the Panel has heard all the evidence and arguments presented at the hearing, the Panel shall deliberate in closed session. Such deliberations shall be confidential.
- H. In making a decision, the Panel may consider the following:
1. all information provided to them by the parties, so long as both parties have had an opportunity to review and respond to the evidence;
 2. the Union's budget for grievance/arbitration processing;
 3. the testimony and credibility of witnesses; and,
 4. any other evidence or considerations which are necessary to an equitable determination of the appeal.

The Panel may not consider facts, rumors, documents or other information, which are not a part of the grievance file or supplied by the parties at the hearing.

ASEA/AFSCME Local 52, AFL-CIO POLICIES and PROCEDURES
(Revised and, with due notice, approved February 23, 2011)

- I. The Panel shall not overturn the decision of the Union staff unless the evidence establishes that ASEA/AFSCME Local 52 has acted in an arbitrary or discriminatory manner, or in bad faith.
- J.
 - 1. If an appeal is granted, the Panel may:
 - (a) direct the grievance be advanced through Step IV;
 - (b) direct the settlement be rejected and the Union to proceed to arbitration; or
 - (c) direct the grievance be advanced to arbitration.
 - 2. If an appeal is denied, the Panel shall affirm the decision made by the Union.
- K. The Panel's decision shall be final and binding on the Union and the member. However, the Panel may reconsider their decision if, and only if, new evidence becomes known after the decision has been issued that may have caused the Panel to decide the case differently. The final decision may not be appealed to the Union's State Executive Board or other Union board or officer.
- L. The Panel's decision shall be sent in writing to the member with a copy to the Business Manager, within 10 calendar days of the Panel's decision.