

## **UFF-FPU Grievance FAQs**

*A grievance is a formal complaint made by a faculty member about a violation of the Collective Bargaining Agreement. Its purpose is threefold: to enforce the Collective Bargaining Agreement, defend the rights and protect the working conditions of individual faculty and of the bargaining unit as a whole, and protect the academic and professional integrity of the university.*

*If you are a member, and you feel you have grounds to file a grievance, or if you have a meeting with a supervisor that you feel may be related to disciplinary action, contact our Contract Enforcement Committee at [flpolyuffcec@gmail.com](mailto:flpolyuffcec@gmail.com).*

### **Who can grieve?**

All members of the bargaining unit can grieve. UFF-FPU members can be represented by UFF-FPU contract enforcement officers and arbitration specialists at no cost (Membership must have been active at the time of the perceived violation of the CBA). Faculty who are not UFF-FPU members must either represent themselves or hire a lawyer at their own expense.

### **How do grievances proceed?**

If evidence of a violation of the Collective Bargaining Agreement or past practice is shown, trained contract enforcement representatives investigate the case and begin drafting a formal grievance. In the meantime, they attempt to achieve an informal resolution.

There are three stages to a grievance. In the first phase (step 1, Grievance Hearing) the grievance is heard at the level of the Vice Provost of Assessment and Instruction/Academic Affairs or their designee. If the grievance is not resolved to the satisfaction of the grievant, s/he can file for a Grievance Review (step 2) at the university Provost level.

The last appeal is to a neutral arbitrator whose decision is binding on both UFF and the University.

There are critical deadlines involved in filing a grievance. A grievance must be filed within TWENTY days of the date that the grievant became aware of the contract violation. A step 2 is filed within TEN days of a Step 1 decision.

**Step 1 — Grievance Meeting:** a meeting with the Vice Provost of Assessment and Instruction or their designee

The grievant and/or UFF representative presents evidence of the grievance. The grievant, the UFF contract enforcement representative, and the Vice Provost or their designee discuss the grievance.

Within SEVEN days, the Vice Provost or their designee must give a written decision, stating the reasons for the decision. If the grievant is not satisfied with this decision, s/he may move to step 2.

**Step 2 — Grievance Review:** a meeting similar to the Step 1 meeting, but at the provost level

The provost must produce a written decision, stating the reasons for the outcome. If the grievance has not been satisfactorily resolved, UFF may proceed to arbitration.

**Step 3 — Arbitration:** The arbitrator is selected jointly by FPU and UFF from a pool of arbitrators FPU and UFF have previously agreed upon (for more details see article 11.7.f). The arbitrator's decision is legally binding and cannot be appealed.

Each side—the administration and the union—presents its case (i.e., documents, witnesses) at a hearing. After the hearing, both sides typically present briefs to summarize the evidence and present arguments. The neutral arbitrator makes a final binding decision based only on the evidence and the contract language.

### **Why does the grievance process work?**

It allows for a thoughtful presentation of the issues and gives faculty a chance to have their concerns heard. Further, when disputes are not resolved at the University level, it provides legally binding arbitration and a hearing from someone who is an independent expert in collective bargaining and grievance disputes.

### **What kind of resolution can I expect?**

It is possible for grievances to be resolved in favor of the grievant at any of the three steps. UFF cannot, and will not, file grievances that have no merit, so you will find out early on from contract enforcement representatives if the case is worth pursuing.

### **How widely is it known that a grievance has been filed?**

UFF is committed to protecting the privacy of an individual and keeps all information about grievances confidential. While the university is subject to public records (Sunshine) law, all exempt information used as a part of grievance remains exempt during a grievance.

### **Are there retaliations?**

The contract protects grievants from retaliation.

### **Are there deadlines?**

If you believe you have a grievance, you must contact the contract enforcement chair in a timely fashion. Grievances must be filed within TWENTY DAYS of the grievable event.

### **Do I have other protections from actions by my chair and other administrators?**

The contract gives faculty the right to have a contract enforcement representative with them at meetings with their chair and members of the administration if they believe discipline may result from the meeting, even if there is no grievance in progress. Federal labor law (NLRB v J. Weingarten, Inc. US 251, 1975) guarantees employees the right to union representation at a meeting with a supervisor “if an employee has a reasonable belief, based upon factual circumstances, that disciplinary action may result from an interview” (This is called the Weingarten Rule).

### **Is it true that UFF-FPU protects negligent and underperforming faculty via the grievance process?**

UFF-FPU is legally obligated under “Duty of Fair Representation” as the bargaining agent to enforce the contract and ensure due process. It is not our place to determine an individual’s competence or innocence, but rather to ensure that faculty are given access to a fair process that follows the rules agreed to in the CBA.

### **How are contract enforcement representatives selected?**

UFF holds training sessions for prospective contract enforcement representatives. Contact a contract enforcement representative to discuss the role you can play in this important UFF function.