

UFF -UCF Chapter Grievance Committee policy

A signed copy of this policy must be on file with the Union in order to proceed with representation assistance.

1. Preamble

In order that the Collective Bargaining Agreement (“CBA”) between the United Faculty of Florida-UCF Chapter (“Union”) and the UCF Board of Trustees (“Board”) is enforced properly and fairly, these internal guidelines are established governing the provision of Union assistance in the processing of grievances up to the point of arbitration.

2. Types of Grievances

Any member of the bargaining unit may file individual grievances as provided in Article 20 of the CBA. Union grievances may be filed on behalf of the union and require the approval of the President before they are filed as provided in Article 20 of the CBA. More than one member from the same or different departments, campuses, etc., may file group or class-action grievances as provided in Article 20 of the CBA.

3. Procedure for Securing Union Assistance

All dues-paying members of the Union are eligible to receive grievance representation from the Union provided that (1) they were dues-paying members at the time of the incident and remain a dues-paying member throughout the process, and (2) the case has merit. A member who desires union representation in a grievance should contact the Grievance Team through the web site contact form for a consultation immediately to ensure a grievance, if necessary, is timely filed. A member wishing to appeal a grievance from one level/step to the next must notify the union in writing within the timeframes specified in Article 20 of the CBA.

Pursuant to Section 447.401, Florida Statutes, the Union is not required to process grievances for employees who are not members of the Union. Generally, assistance to non-members is not provided. However, the Union may elect to represent a non-member in extraordinary circumstances, such as a case of first impression in which the outcome may have a material impact on the terms and conditions of employment of other employees in the bargaining unit. The decision to provide any form of representation to non-members for any reason is in the exclusive discretion of the Union and is subject to the parameters in these guidelines.

In the event an employee is denied representation due to status as a non-member of the Union, the employee shall be notified in writing. The decision to deny representation due to status as a non-member may be appealed to the Union Executive Board in writing within one week of the decision. The appellant is encouraged to provide relevant documentation or other facts with the appeal and is responsible for seeking an extension of any grievance timeline during the pendency of an appeal. Discussion of the appeal by the Executive Board shall occur during executive session. The decision of the Executive Board is final. An employee denied representation due to status as a non-member of the Union may pursue the matter through self-representation or retaining of counsel at his or her sole expense.

4. Decision to Provide Union Assistance

The decision to provide Union representation is based on the merit of the alleged contract violation. Criteria considered by the Union in the determination of merit include, but are not limited to, the following:

- Was the potential grievant a UFF member at the time of the alleged violation?
- Is the alleged violation within the timelines for filing a grievance?
- Does the Union have credible evidence, witnesses and arguments to support its position?
- Have all procedural steps including timelines been followed properly?
- Is there a sufficiently reasonable chance of prevailing to justify the potential expenses of providing assistance?
- Will the grievance achieve the goal sought by the grievant(s)?
- Are the best interests of the bargaining unit as a whole served by pursuing a grievance?

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The Union reserves the right to deny or curtail assistance at any time should the Union make a reasonable determination that the case does not have or no longer has merit according to the criteria above. The Union shall uphold its statutory duty of fair representation and no such determination shall be arbitrary, capricious, or discriminatory.

Notice of denial or curtailment of Union assistance due to lack of merit^{iv} shall be provided to the grievant in writing. The decision to deny or curtail Union assistance due to lack of merit may be appealed to the Union Executive Board^v in writing within one week of the decision. The appellant is encouraged to provide relevant documentation or other facts with his or her appeal and is responsible for seeking an extension of any grievance timeline during the pendency of an appeal. Discussion of the appeal by the Executive Board shall occur during executive session and shall be final.

5. Responsibility of the Grievant

Upon securing Union assistance, the grievant is responsible for the following:

- Maintaining status as a dues-paying member of the union.
- Providing the Union with all information they may have regarding the grievance.
- Informing the Union about any communications, meetings or incidents relating to the grievance.
- Cooperating with the Union in preparation for processing the grievance.
- Notifying the Union of their intent to drop, modify or settle any grievance action.
- Abiding by the directions or recommendations of their Union representative, including recommendations to withdraw or settle a grievance.
- Complying with these guidelines throughout the grievance process.

Failure to abide by these guidelines may compromise the merits of the grievance and may result in curtailment of Union assistance, subject to appeal as described in Section 4 above.

6. Decision to Appeal to Arbitration

If efforts to resolve the grievance are not successful, the Union Executive Board shall vote on whether to submit a request for arbitration to the statewide UFF Contract Enforcement Committee (“CEC”) shortly after the Notice of Arbitration is filed. The Executive Board’s decision is final.

The CEC reviews the merits of cases and determines whether the state office of the United Faculty of Florida shall commit financial resources, including an expert advocate or attorney (as appropriate). If denied by the CEC, the Union may curtail any future assistance regarding the grievance in question. Alternatively, the Union Executive Board may elect, at its sole discretion, to appeal the decision of the CEC to the statewide UFF Steering Committee.

Pursuant to *Galbreath v. School Board of Broward County*, 446 So. 2d 1045 (Fla. 1984), and its progeny, the Union reserves the right to prevent a grievance from being advanced to arbitration once it has exercised its exclusive right to discontinue processing the grievance based upon its determination that the grievance lacks merit (see Sec. 4 above).

7. Compliance with Florida Statutes

Any part of these guidelines, which are found to be in violation of Florida Statutes, shall not be deemed valid except to the extent permitted by law. All other parts shall continue in full force and effect.

I have reviewed this policy and will abide by it.

Name of Grievant

Signature

Date

Name of Grievance Representative

Signature

Date