

LABOR AGREEMENT GRIEVANCE HANDLING

Description and Scope - Grievance handling is a formal process for resolving disagreements over the interpretation and/or application of a labor agreement. Grievance procedures are a formal plan, specified in a collective bargaining agreement, which provides for the resolution or adjustment of grievances through discussions at progressively higher levels of authority in management and the employee organization, usually culminating in arbitration if necessary.

Objective - To ensure that grievances are administered and resolved in a uniform and consistent manner in accord with provisions of applicable collective bargaining agreements and the needs and interests of state management.

Definitions - Key Terms

"Grievance" means a dispute or disagreement concerning the interpretation or application of any term or terms of a labor agreement.

Responsibilities -

A. Appointing Authorities:

- Implement all provisions of collective bargaining agreements in a manner consistent with the meaning and intent of the agreements.
- Respond to grievances at steps prior to arbitration within applicable time limits according to terms of applicable collective bargaining agreements.
- Provide copies of grievances and related information to DOER Labor Relations Bureau.
- Obtain prior advice and approval from the appropriate agency or division before proposing resolution of a dispute by an action beyond the authority of an appointing authority or when the issues have broad implications.

B. Department of Employee Relations:

- Interpret the meaning and intent of the provisions of collective bargaining agreements.
- Communicate contract interpretations, grievance settlements, arbitration awards and related policy determinations to agencies.
- Provide technical advice and counsel to agencies in administration of the grievance process.

- Upon appeal to arbitration, consult with the affected appointing authority and determine whether the grievance is to be arbitrated or settled prior to arbitration. Settlement discussions with exclusive representatives will be coordinated through the Labor Relations Bureau.
- Represent the State of Minnesota in arbitration proceedings or, on a case-by-case basis, delegate this responsibility to an appointing authority.
- Provide agencies with status reports on grievances pending arbitration.

Other Relevant Laws, Rules, Contracts and Administrative Procedures:

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 43A.04, Subd. 4(b) - Authority to adopt procedures for administering collective bargaining agreements.
- B. M.S. § 43A.06, Subd. 6 - Authority for Commissioner to oversee grievances and represent the state in arbitration.
- C. M.S. § 43A.06, Subd. 7 - Grievance settlement
- D. M.S. § 43A.33 - Civil service grievance procedure.
- E. M.S. § 179.70 - Contracts, Grievances, Arbitrations.
- F. Collective bargaining agreements.

