

Writing a Grievance

1. Before you write

- A. Ask Questions. Gather as much information as you can. It is generally a good idea to ask several questions of the employee once he/she has expressed the desire to file a grievance. Before you begin writing, ask the employee to “tell the story” and take notes. As the employee describes the events giving rise to his/her grievance, listen particularly for violations of the rules, regulations, SOP’s, or Federal Laws, etc. by management (for obvious reasons) and by the employee. When you are writing a grievance for someone else, you want to make sure that you DO NOT leave them open to allegations of rule violations, So the more carefully you listen, the more likely you will be to pick up “sensitive areas” and do whatever necessary to protect the employee (in writing).

Once you have listened to the employee’s story, you will have a better idea of the other kinds of questions you want to ask. Once you think you have a good understanding of the situation, find out some other things about the employee that will help you “set the tone” of the grievance. Some examples of information you will want to obtain are: His/her work record, disciplinary history, any open investigations or pending charges, whether the employee has run into the “grievable” issue before, and if so what they did about it, how long the employee has worked for the department/agency, and any other type of information/indicators of the kind that gives you an idea of the kind of employee with whom you are dealing.

It is not always necessary to use every piece of information you gather while talking to the employee. Once you have all the information, you can pick and choose what is necessary for the grievance.

- B. Organize the information into three (3) categories; Facts, Contentions and Resolutions.
- C. If the employee’s “gripe” is invalid or not grievable, tell him/her. If you discover through discussion with the employee that his/her complaint is not grievable or the complaint is not valid, do not hesitate to give the employee your opinion, and provide him/her reasons/examples for your decision. You may encourage the employee to simply keep notes of small incidents until a pattern can be established or until the issue “snowballs” into an issue you can address through a grievance.

2. WRITING “THE FACTS”

Always write “the story” first. Do not make your contentions and allegations until you have described all the events, dates and times, and specific details of the incident giving rise to the grievance. When writing the facts, be as detailed and specific as possible about any incidents that lead up to, support, or substantiate the contentions you will make. More than likely during the “gathering of information” stage, you will have many more facts than you will need. If the information does not lead to, support, or substantiate your contentions, you do not need it.

Although it is important to be specific and detailed, you should be very careful to STICK TO THE ISSUE AT HAND. In almost all grievance procedures, you will have an opportunity to explain any unclear issues. The easier the grievance is to read, the better your chances of reaching an equitable resolution, so be careful to leave all SUPERFLUOUS INFORMATION OUT. If the employee has documentation to support or substantiate his/her claim, you may want to attach it to the grievance. Before attaching any documents, make sure the employee does not mind others reviewing them. In addition, during the “facts” portion of the grievance, it is often helpful to name witnesses or other employees suffering from the same problem (only upon their approval), it is important to avoid implicating other employees of any wrong doing whenever possible.

3. WRITING “THE CONTENTIONS”

In writing your contentions about the harm done, it is important that the facts and other documentation support your claims. For example, accusing a supervisor of disparate treatment when all documentation and facts show that all employees are treated equally (even if they are treated badly) is a false accusation, and the whole grievance will be viewed as invalid. However, the situation may be such that you can claim a violation of a rule, policy, or law. It is always good to cite the specific rule, policy, SOP, or law, and if the language of said rule closely fits the situation, quote it.

You will also run into some situations where you cannot find an applicable rule, law or policy. In these situations, you may want to contend that a supervisor has been disrespectful or made a mistake or violated any “reasonable management practice”.

4. WRITING “THE RESOLUTION”

Always write the resolution last- it is the thing you want the reader to have foremost on his/her mind. Proposed resolutions should be reasonable and should allow the department as much room as possible. Make sure that any resolution requested is within the confines of Agency Rules. If no tangible resolution is obvious (a transfer, back pay, upgrade, etc.) you may request an investigation or clarification/copy of a policy or letter of apology.