

# Saratoga DSBA Training

The basics of:

- Grievances
- Discipline
- GML 207-c

# What is a Grievance?

"Grievance" shall mean any claimed violation, misinterpretation or inequitable application of the employment contract, existing laws, rules, procedures, regulations, administrative orders or work rules, procedures, regulations, administrative orders or work rules of the County of Saratoga or a Department Head thereof, which relate to or involve employee health or safety, physical facilities, materials or equipment furnished to employees, or supervision of employees; provided, however, that such term shall not include any matter which is otherwise reviewable pursuant to law or any rule or regulation having the force and effect of law. (Appendix B, 1-B)

# Break it down ...

- any claimed violation, misinterpretation or inequitable application
- of the employment contract, existing laws, rules, procedures, regulations, administrative orders or work rules, procedures, regulations, administrative orders or work rules of the County of Saratoga or a Department Head thereof, which relate to or involve employee health or safety, physical facilities, materials or equipment furnished to employees, or supervision of employees;
- provided, however, that such term shall not include any matter which is otherwise reviewable pursuant to law or any rule or regulation having the force and effect of law.

# Step 1

- Presented in writing
- Within 10 days after grievance occurs
- To immediate supervisor
- Written response due within 5 days
- Explanation required if denied

Note: “Days” excludes Saturday, Sunday and Legal holidays

## Step 2

- Forward to Unit Grievance Committee within 5 days
- Committee, if they decide to proceed, sends to immediate supervisor and Dept. Head within 5 days
- Department head denies ... I mean ... responds within 5 days

# Arbitration

- Triage
- Arbitration

# Potential Problems with Process

- Advisory arbitration
- Burden is on the union
- Past Practice Clause: “All terms and conditions of employment previously granted to the employees by the Employer, unless specifically excluded by or in conflict with this Agreement, shall be continued except where it is determined by the Department Head that the work load or the efficiency of the operation is impaired thereby. The "Employer" is defined as the Board of Supervisors and the Sheriff of Saratoga County.” (Contract Article XIV)

# Potential Problems Outside Process

- No documentation
- Unwillingness to testify
- Employer “hesitancy” to provide discovery material
- Cost effective?
- Delays

# What you can do

- DOCUMENT, DOCUMENT, DOCUMENT
- Be available and willing to provide testimony or evidence
- Don't cut your own deals
- Be reasonable
- Remember: Bad cases make bad case law