

GUIDELINES

It is the intent of S/YCEA, Local 1 to provide fair and equitable representation to all members, fee payers and conscientious religious objectors in bargaining units represented by S/YCEA, Local 1.

The decision whether or not to provide representation is not controlled by any one factor but rather by the overall case as seen in light of the following criteria which shall be used in evaluation every request.

1. Guidelines for Appeal of Discipline

1. Is the discipline imposed for good cause?
 - a. NOTICE: Did the Employer give to the employee forewarning or foreknowledge of the possible or probable consequences of the employee's disciplinary conduct?
 - b. REASONABLE RULE OR ORDER: Was the Employer's rule or managerial order reasonably related to (a) the orderly, efficient, and safe operation of the Employer's business, and (b) the performance that the Employer might properly expect of the employee?
 - c. INVESTIGATION: Did the Employer, *before* administering the discipline to an employee, make an effort to discover whether the employee did in fact violate or disobey a rule or order of management?
 - d. FAIR INVESTIGATION: Was the employer's investigation conducted fairly and objectively?
 - e. PROOF: At the investigation, did the 'judge' obtain substantial evidence or proof that the employee was guilty as charged?
 - f. Equal Treatment: Has the Employer applied its rules, orders and penalties even-handedly and without discrimination to all employees?
 - g. PENALTY: Was the degree of discipline administered by the Employer in a particular case reasonably related to (a) the seriousness of the employee's proven offense, and (b) the record of the employee in his service with the Employer?
2. Does the member, fee payer or conscientious religious objector deny the allegations?
3. Is there evidence that supports the alleged facts?
4. Is there evidence that contradicts the alleged facts.
5. Are there factors that mitigate the allegations?
6. Has the Employer complied with the procedural requirements of the contract, MOU, Agency Rules and the Law?

II. Guidelines for Appeal of Grievances to Arbitration

A grievance may be advanced to Arbitration if:

- 1) A. The facts support the allegation of contract violation(s).
-and-
B. The grievance is viable in terms of corroborating evidence or testimony.
-and-
C. A substantial portion of the remedy is unmet.
-and-
D. The grievant cooperates with the preparation and presentation of the case.

-or-
- 2) A. The grievance has broad impact or the potential for setting precedent.
-and-
B. The grievant cooperates with the preparation and presentation of the case.

III. Board Consideration of Staff Recommendations Appeals and Arbitrations

- A. When an appeal or request for arbitration is filed, the member will be informed that S/YCEA, Local #1 will preserve his/her rights while the Union evaluates the feasibility of proceeding.
- B. With the approval of the Executive Director, S/YCEA staff will notify a member in writing when they are recommending that S/YCEA Local #1 not represent the member in an appeal or arbitration.
- C. The notice shall include the general reason(s) for the decision.
- D. The notice shall give the employee an opportunity to provide additional information, which could have bearing on the union's decision.
- E. The member will be informed in writing that they may challenge staff's recommendation to the Board that is elected by the bargaining unit. The time and date of the next meeting will also be included in the notice.
- F. Members may request the board to reconsider the decision at the next regular board meeting and present information on their own behalf.
- G. The Board will vote to either uphold the staff recommendation or grant the member's request.
- H. The Board will inform the member, in writing, of the decision.
- I. If the Board upholds the staff recommendation, the member will be notified that he/she has the right to appear before the next S/YCEA, Local #1 Board meeting and ask for reconsideration of the decision.
- J. When staff's recommendation to not proceed is upheld, staff shall notify the appropriate agency that S/YCEA, Local #1 is not representing the member and provide them with contact information for the member.