

Grievance Procedures

The Mediating Role of an Affiliated Professional Association

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Grievance Procedures: The Mediating Role of an Affiliated Professional Association

SOME PRINCIPLES

1. It is assumed that the following procedures are for Affiliated Professional Associations (APA's) which are representative of a field of practice rather than agencies or a job level.
2. It is also assumed that these procedures apply only to those APAs which have adopted both a Code of Personnel Practices and a Code of Ethics.
3. An APA should have a formal mechanism to deal with alleged Personnel Code or Grievance violations.
4. The APA person or persons who carry this responsibility should be made known to that APA's membership.
5. Persons who carry APA Grievance Procedure responsibility should be of stature and known integrity.
6. The APA person(s) functions as a
 - source of information
 - potential informal influence
 - potential expeditor or intermediary during the allegation

PROPOSED GRIEVANCE PROCEDURE FOR AN APA

Two types of complaints are usually lodged through a professional association—ethics violations and personnel practices.

An APA, in its advocacy role under certain circumstances, assists its members who may be having difficulty with employees or agencies who feel that an Employee may have violated that APA's Code of Ethics. A Grievance Committee should deal with this function.

Services may be performed on several levels.

The first is informal inquiry whereby the member/agency simply seeks advice and guidance with regard to the situation and no further action is taken unless the member/agency makes another contact.

The second is an inquiry where there appears to be a violation of acceptable personnel or ethical practices. An unofficial contact is made by the Association to the Executive Director to discuss the situation, get more data and discuss the vulnerability of the agency (or member), good personnel practices and the Association's interest in informally resolving the problem. Very often issues are resolved at this point.

The third type of intervention is an Association's being contacted by the member/agency concerning a blatant violation of good personnel practices or ethics and where there is intransigence. The Association then intervenes officially.

I. INFORMAL INQUIRY

This is the best approach for the Employee and for the agency. Members (or the agency) are given advice on how to proceed if there seems to be a possible violation. Official APA intervention may be avoided.

- A. Advice Only — Member/agency makes contact with the Grievance Mechanism to discuss a possible violation. This does not have to be a potential grievance or ethics violation. The member/agency may only need an objective opinion on personnel practices, rights, salary negotiations, the member's vulnerability and an opinion on the validity of the alleged violation.
- B. Grievance Mechanism—assesses the inquiry to determine whether there is a problem and advises the member/agency as to next steps if necessary. No other action is taken unless member/agency so requests and it appears appropriate for the Association to do so.

II. MEMBER/AGENCY CONTACT

- A. Member/agency makes contact with the APA Grievance Mechanism to discuss possible personnel practices or ethics problems if it appears that there may be a violation.
- B. Contact is made with the Executive Director of the agency, with permission of the member, to discuss the situation and to determine whether there has been a potential ethics violation. If so, an attempt to interpret to the potential violator the nature of the problem and the possible vulnerability of the agency, administrative head or member (whichever is appropriate). At this level, hopefully, a solution can be worked out. No decision is made without the agency/member participation.

III. FORMAL GRIEVANCE

- A. Member/agency has contacted the Grievance Mechanism and the steps in I and II have been followed.
- B. A grievance is apparent because an agency has failed to abide by its own Code of Personnel Practices (or a national model if no local one exists) or, for the member, a Code of Ethics.
- C. The Executive Director has been contacted with the member's permission and no settlement can be worked out. For alleged ethics violation the Employee will be contacted.
- D. With permission of the potential aggrieved, the member, the Executive Director, President of the Board and the Chair of the Personnel Committee are contacted in writing. This correspondence describes the nature of the problem and indicates that the Association is formally representing the member/agency in this situation.
- E. A hearing is to be set up and a hearing panel appointed. Legal counsel is not to be allowed to intervene directly by either party.
- F. Should the hearing lead to no constructive resolutions, legal action may be recommended. If it is possible that unfair labor practices or a human rights violation might be involved, the proper government agency can be asked to mediate and intervene.

There may be a need to consider sanctions and the establishment of a legal defense fund.