

## Meeting the Duty of Fair Representation (Instructor Answer Key)

1. Do we have to grieve and arbitrate every grievance that employees bring us to make sure we don't get sued? **NO. What matters is if the grievance has merit. Also, Locals can make decisions about whether to take a grievance to arbitration based on the Local's finances.**
2. Willie was suspended for two weeks for absenteeism. The company offered one week's back pay. Given Willie's record, the union thinks this is a good settlement. But Willie wants to arbitrate for full back pay. If we settle for the one week's pay, is Willie likely to win a DFR case? **PROBABLY NOT. The Union controls the grievance process, not the worker, so the Union can settle the case even if the worker does not agree with the settlement offer. A good practice is for the Union to at least discuss the settlement with the worker before settling the grievance.**
3. I filed a grievance for Michael over a pay issue. But after getting more information, I believe management is right. Do I have to continue pursuing the grievance since it's already been filed? **NO. Once the Union determines the case no longer has merit, the Union can withdraw the grievance. Best practice is to inform the worker first.**
4. Two workers – Linda and Marie, are discharged for fighting. We want to file a grievance on Marie's behalf because we think Linda provoked her, but Linda told us that if we filed a grievance for Marie but not her, she'd sue us for unfair representation. Would she have a case? **MAYBE. The Union must represent all members fairly and in a non-discriminatory manner. Best practice would be for the Local to appoint a different steward to both Linda and Marie; do not have the 2 stewards discuss the cases with each other; and have the stewards report to the Business Manager, who can decide how/whether to proceed on either case.**
5. We are in a right-to-work state and sometimes I have to file grievances for people who aren't union members. When I do, I tell them it costs money to run a union, and they should be ashamed of taking the benefits without sharing the costs. Can I get in trouble? **MAYBE. In some jurisdictions, Unions can treat non-members differently than members with regard to EEO, OSHA, and other types of cases; but the Union cannot treat members and non-members differently under the grievance process. If the grievance has merit, whether it's a member or non-member, the Union should file. However, it is appropriate for the steward to provide a union membership form for the non-member, encourage them to join the Union, and explain that although we file grievances for both members and non-members, there are many other advantages to union membership.**