

THE ASSOCIATION REPRESENTATIVE AS A CONTRACT ENFORCER

Contract Maintenance

Contract maintenance is one part of a larger process designed to protect the rights of the bargaining unit members and to provide them with proper representation. Providing proper representation usually requires the utilization of a host of problem-solving methods. It is important to remember that the solving of some problems may require an approach other than filing a grievance, because the grievance might not be “winnable” or because the situation may not be covered by the collective bargaining agreement. But the key point to remember is that an effective association representative utilizes a variety of approaches to raise, discuss and resolve the problems that unit members encounter in their professional lives.

Of course, the heart of any collective bargaining agreement is the grievance procedure. It is the bedrock that makes the collective bargaining process work. However, no matter how diligently the bargaining teams work to avoid ambiguity in negotiated contract language, disagreements inevitably occur as the contract is applied to a host of unanticipated job-related problems.

The association representative has a responsibility to police the collective bargaining agreement, school policies and the needs of members in general. As the association official who is closest to the general membership, the association representative is the communication link to ensure that information regarding contractual and professional problems are brought to the attention of, and are addressed by, the members, association officers, field representatives and school administration.

Purposes of a Grievance Procedure

The main purpose of a grievance procedure is “to get problems settled.” But, fully realized, the scope and meaning of “grievance processing” necessarily involves other objectives:

- Establishing rights of the employee through interpretation of contract, rules, regulations and policy.
- Communicating that the member with a grievance has the full support of other unit members and of the association leadership.
- Protecting rights established by the contract.
- Ensuring equal and fair treatment according to customary practice.
- In some instances, simply providing the member with the opportunity to tell his/her side of the story.
- Providing systematic means of solving problems; setting forth a reasonable process for solving disagreements.
- Requiring the administration to assemble facts and logic to justify the actions it takes.
- In doing so, by exposing the basis of administrative actions, protecting employees from unreasonable action, idiosyncratic motivation and the unfortunately common tendency of some administrators to “take it out” on subordinates.

The association appropriately invests large amounts of money and energy to create conditions that benefit members. For that reason, violations of the contract must be thoughtfully evaluated and forcefully challenged where the professional and contractual interests of the members so dictate.