

WORK, THEN GRIEVE

What does the employee do if ordered to do something which is obviously contrary to the terms of the contract?

Generally, the employee should first inform the supervisor that the contract is being violated. If that doesn't work, the employee should inform the supervisor that there may be a grievance. Then carry out the order.

Sometimes this rule of "work, then grieve" can cause a problem. For example, an employee may be ordered to ride a bus with a group of children. The contract might be clear in excluding that kind of one-time order. The supervisor may be very willing to say later, "I promise I'll never to do it again. I was wrong." However, the employee still had to ride the bus. What can be done?

This kind of flagrant contract violation can be corrected by being creative in the relief asked. The grieving employee might ask for one-and-one-half times the hourly pro-rated rate of pay or for compensatory time that could be taken at the employee's discretion. Most arbitrators will not make the supervisor suffer punishment, but are receptive to other forms of creative relief.

The one exception to this rule is where the supervisor orders the employee to do something that is injurious to health or physical safety (e.g., search lockers for bombs). In such cases, you can refuse to carry out the order.