



15728 Main Street, Mill Creek, WA 98012

Administration 425-745-1891

Police 425-745-6175

All Other Departments 425-551-7254

May 18, 2017

WA State Council of County & City Employees
AFSCME, AFL-CIO
3305 Oakes Avenue, PO Box 750
Everett, WA 98206-0750

Attn: Mathew Miller

Re: AFSCME Class Action Grievance

Dear Mr. Miller,

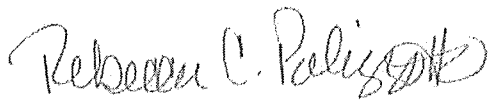
The City has received the Union's "class action" grievance, sent via email to the City's labor attorney on May 9, 2017. In its email, the Union proposed advancing the grievance directly to Step 3 of the CBA grievance procedure. The City declines this proposal and rejects the grievance based on the procedural and substantive arguments outlined below.

The City rejects the grievance on procedural grounds. First, the grievance is rejected based on a lack of specificity because it fails to identify the employees at issue or the dates and facts of each alleged violation. The City simply has no idea who the aggrieved employees are and cannot process the grievance without this information. Second, the grievance was improperly filed. Step 1 of the CBA grievance procedure requires the grievance to be filed with an employee's immediate supervisor. This has not happened. The City has no idea which immediate supervisor(s) are implicated, because it does not know who the aggrieved employees are. The City requests this procedure be followed, beginning at Step 1, with hopes of resolving the grievance at a low level and as a basis of learning the deficient information described above.

The City also rejects the grievance on the merits. First, the City disagrees with the conclusory factual allegations and finds no support for them. Second, the City finds no violation of the CBA. Section 18.1 of the CBA defines a grievance as a "claim or dispute by an employee or group of employees with respect to a violation of the express provisions of this Agreement." The grievance alleges a violation of Sections 5.2, 5.3, 5.4, and 5.5 of the CBA. The City finds no violation of these sections and is unclear how they even apply to the factual allegations at issue. The grievance also alleges a violation of "all other relevant articles of the CBA, City policies, and State statutes that may apply." Again, the City declines to find a violation of any express CBA provision and finds these general, blanket allegations too vague to support a claim.

The Union is welcome to re-file its grievance at Step 1. Once the procedural defects are cured and the City has more information, it is willing to reevaluate the merits of the claims.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca C. Polizzotto". The signature is written in dark ink and is positioned to the left of the typed name.

Rebecca C. Polizzotto
City Manager