

Former Employee Filing Grievance

The Board has made it clear that the right of a former employee to file a grievance is not completely foreclosed. In one case, the Board expressed the view that an employee does not forfeit any monetary rights which accrued under a collective bargaining agreement; such as insurance claims, back-pay for improper suspension, overtime pay or severance pay; because the employee voluntarily has quit his or her employment.¹ The Board concluded that an individual in such circumstances meets the definition of “employee” and the Board had jurisdiction to decide a grievance brought by the individual.²

In a subsequent case, the Board concluded that a union has standing to grieve, on its own behalf and on behalf of a retiree, an alleged contractual violation of entitlement to health insurance coverage accrued by the retiree during the period of the retiree’s employment.³ This allows the union to protect the fruits of its bargain and to enforce a contractual right accrued by a retiree during employment, through the contractual mechanism agreed upon by the employer and union to resolve contractual disputes.⁴ In reaching this conclusion, the Board did not make a judgment with respect to the ability of a retiree to grieve on his or her own behalf.⁵

¹ Grievance of Boocock, 7 VLRB 265, 267-69 (1984); *Affirmed On Other Grounds*, 150 Vt. 422 (1988).

² Id.

³ Grievance of Kelly and the Vermont State Colleges Faculty Federation, AFT Local 3180, AFL-CIO, 19 VLRB 100, 105-106 (1996).

⁴ Id.

⁵ Id.