

**DTI HANDOUT
DAY 2****GRIEVANCE PREPARATION WORK SHEET****1. UNION POSITION IS:****SUPPORTING FACTS AND EVIDENCE:****2. MANAGEMENT WILL ARGUE:****MANAGEMENT WANTS OR WOULD SETTLE FOR:****3. THE UNION/GRIEVANT WILL SETTLE FOR:****4. THE UNION'S PLAN OF ACTION FOR THE HEARING IS:**

(CONSIDER) HOW YOU WILL MOVE MANAGEMENT TOWARDS SETTLEMENT; WHAT POINTS WILL YOU MAKE AND HOW; WHEN WILL YOU SPEAK; WHAT QUESTIONS MIGHT YOU ASK; WHEN WILL YOU MOVE THE DISCUSSION TOWARD A SETTLEMENT PROPOSAL ...

DTI HANDOUT

10 POINTS ON WRITING A GRIEVANCE**1. LIMIT DETAILS TO BASIC INFORMATION:**

Provide only enough information to identify the grievance so that management understands

- 1) what the basic problem is,
- 2) what violations have occurred and,
- 3) how the problem should be fixed (remedy).

2. OMIT ARGUMENTS, EVIDENCE AND JUSTIFICATION FOR POSITION:

This information can be used by management to prepare a better case against the employee and counter the Delegate's arguments.

3. DON'T LIMIT VIOLATIONS:

In stating why there is a grievance, use the phrase "violates Article(s) and Section(s)" and the words "including any others that may apply" when citing specific sections.

4. AVOID PERSONAL REMARKS:

The grievance states the UNION'S POSITION. Remember — as the Delegate you represent the UNION, not just yourself or the grievant, not your's or the grievant's opinion. Avoid the use of phrases such as "I think" or opinions about management officials.

5. DON'T LIMIT THE REMEDY:

If you limit the remedy:

- 1) You don't allow room to bargain or make a favorable compromise in resolving the grievance.
- 2) You might limit the member to something less than full compensation by leaving out something you may remember later. This can be accomplished by using the general

phrase "make whole in every way" and the word "including" when requesting specific remedies.

NOTE: Just because you use the general phrase "made whole in every way" does not mean that management will search out all the specific benefits management denied the grievant for you. It is up to you to list (verbally or in writing) any remedies not noted in the original written grievance when you have your second and third step meetings.

6. CONSULT WITH THE GRIEVANT:

Go over written grievance. Explain the requested remedy and get the grievant's full understanding and agreement.

7. SIGN THE GRIEVANCE:

Have the grievant sign the grievance.

8. SOLIDARITY:

Explain the grievance to your members and be sure they understand and support your efforts.

9. KEEP UP TO DATE. Don't wait for the grievant to come to you. Even though you represent an employee in the grievance procedure, DON'T EXPECT MANAGEMENT TO KEEP YOU INFORMED.

10. PREPARE grievance on the assumption that this may be the grievance that goes to Arbitration.

DTI HANDOUT

HANDLING DISCIPLINARY GRIEVANCES

There are two types of grievances — discipline and contract. The following are some guidelines for preparing disciplinary cases.

OBTAINING THE FACTS**⇒ 1. LISTEN**

- To learn, not to challenge
- Don't interrupt
- Evaluate while listening
- Draw no conclusions until after the facts are heard

⇒ 2. QUESTION

- Patiently ask for all the facts
- Ask questions to keep the speaker on the issue
- Don't forget to ask the grievant what remedy she/he wants.

⇒ 3. RECORD

- Keep notes on interviews

⇒ 4. MEASURE

- Put as many facts as possible in quantities that can be measured like years, dates, minutes.

⇒ 5. COLLECT

- All relevant documents (time sheets, policies, previous warnings)
- Witnesses' testimonies

In disciplinary cases, management has to prove 'just cause' for their actions. To decide whether you have a case against management you need to ask yourself the following questions.

⇒ CAN MANAGEMENT MEET ITS BURDEN OF PROOF?

- is there clear and convincing evidence?
- is the evidence first hand or hearsay?
- are there witnesses?
- is the evidence measurable?

⇒ ARE THERE EXTENUATING CIRCUMSTANCES?

- is there a reasonable explanation or excuse?
- was the worker provoked or in an uncontrolled situation?
- has the worker been treated unfairly or harassed?

⇒ WHAT IS THE GRIEVANT'S PAST RECORD?

- length of service?
- work record?

⇒ WHAT IS THE SUPERVISOR'S OR DEPARTMENT'S PAST RECORD?

- have there been similar or related problems for other workers?
- was there a change in supervision?
- have there been changes in jobs/technology/schedules?

⇒ ARE THE EMPLOYER'S POLICY AND RULES FAIR?

- is the rule reasonable?
- is it known and has it been communicated to workers?
- has it been applied fairly?

⇒ HAS THE EMPLOYER FOLLOWED PROPER PROCEDURE?

- was the grievant warned that discipline or discharge would result?
- has the employer used progressive discipline
- did management do a fair investigation of the grievant's behavior?

⇒ ARE THERE MITIGATING CIRCUMSTANCES

- is the alleged violation chronic or intermittent?
- is the grievant's explanation reasonable?
- grievant's length of service?
- past work record?
- what is the likelihood of improvement?