

EFFECTIVE GRIEVANCE WRITING



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TABLE OF CONTENTS

Effective Grievance Writing	Page 1
What Must Be In the Step 2 Appeal?.....	Page 1
Step 2 Appeal Form	Page 3
How to Complete the Step 2 Appeal Form	Page 4
To Whom Is the Step 2 Grievance Appealed?.....	Page 5
Who Makes the Step 2 Appeal?	Page 5
Detailed Statement of Facts and Contentions	Page 5
Telling the Story - Writing Your Grievance.....	Page 6
Your Approach to Grievance Writing	Page 6
Finding the Words	Page 7
Using Your Writing Skills	Page 7
The Hazard of an Incomplete Grievance Statement	Page 8
Developing Your Remedy	Page 8
What Happens at Step 2?	Page 10
Additions and Corrections. Are they Necessary?	Page 13
What Should be Included in the Additions and Corrections?.....	Page 14
What Do the Changes in Article 15 Mean to Us?	Page 15
What Issues are Appealed to Expedited Arbitration?	Page 15
What Happens If I Appeal a Case to the Wrong Forum?	Page 16

	Should We Grant Extensions at Step 2?	Page 17
	CASE STUDY EXERCISES	Page 19
SECTION		
1	GRIEVANCE WRITING	
	EXTENSION FORM.....	Page 21
	DOCUMENT REQUEST FORM	Page 21
	GRIEVANCE OUTLINE WORKSHEET	Page 21
	STEP-2 GRIEVANCE APPEAL FORM.....	Page 21
2	CASE STUDIES	
	1-A Case Study Scenario	Page 23
	1-B-C Using a Step-2 Grievance Appeal Form	Page 23
	2-A Case Study Scenario	Page 25
	2-B-C Using a Step-2 Grievance Appeal Form	Page 25
	3-A Case Study Scenario	Page 27
	3-B-C Using a Step-2 Grievance Appeal Form	Page 27
	4-A Case Study Scenario	Page 29
	4-B-C Using a Step-2 Grievance Appeal Form	Page 29
3	CASE STUDIES	
	5-A Case Study Scenario	Page 31
	5-B General Information.....	Page 31
	5-C-F Using Step-2 Grievance Appeal Form.....	Page 31
	6-A Case Study Scenario	Page 33
	6-B General Information.....	Page 33
	6-C-G Using Step-2 Grievance Appeal Form.....	Page 34
	7-A Case Study Scenario	Page 35
	7-B General Information.....	Page 35
	7-C-F Using Step-2 Grievance Appeal Form.....	Page 36
	8-A Case Study Scenario	Page 37
	8-B General Information.....	Page 37
	8-C-F Using Step-2 Grievance Appeal Form.....	Page 38
	9-A Case Study Scenario	Page 39
	9-B General Information.....	Page 39

9-C-G Using Step-2 Grievance Appeal Form	Page 40
10-A Case Study Scenario	Page 41
10-B General Information.....	Page 41
10-C-G Using Step-2 Grievance Appeal Form	Page 42
11-A Cast Study Scenario.....	Page 43
11-B General Information.....	Page 43
11-C-G Using Step-2 Grievance Appeal Form	Page 44
12-A Case Study Scenario	Page 45
12-B General Information.....	Page 45
12-C-G UsingStep-2 Grievance Appeal Form	Page 46

4 CASE STUDIES

13-A Step 2 Developments	Page 47
13-B Post Appeal Fact Developments	Page 47
13-C-D Additions & Corrections & Step 3 Appeal Form	Page 48
14-A Step 2 Developments	Page 49
14-B Post Appeal Fact Developments	Page 49
14-C-D Additions & Corrections & Step 3 Appeal Form	Page 50
15-A Step 2 Developments	Page 51
15-B Post Appeal Fact Developments	Page 51
15-C-D Additions & Corrections & Step 3 Appeal Form	Page 52

GRIEVANCE FORMS

Step 1 Worksheet	Page 53
Step 2 Appeal Form	Page 54
Step 3 Appeal Form	Page 55
Appeal to Arbitration from Step 2	Page 56
Witness Statement Form	Page 57
Witness Interview Form	Page 58
Request for Information Form	Page 59
Agreement to Extend Time Limits	Page 60

Effective Grievance Writing

While investigation and documentation remains the most critical element of grievance development and processing, effective grievance writing has always been important. While the most effective writing skills will almost never resuscitate an improperly investigated or ill-documented grievance, far too many valid grievances have been shelved by the steward's failure to properly "put it in writing." Step 1 is always oral and the Union's Step 1 worksheet is an internal Union work product and should never be shared with the Employer or become part of the written grievance record. The Step 2 Appeal, on the other hand, is the first written record of the grievance. This opportunity to shape the written record from the beginning is critical and one which should never be overlooked. This is the Union's chance to set the scope of the grievance, frame the issues to be discussed, and establish the remedy which should be the starting off point for all further discussion. A well written grievance tells the story of the grievance, explains the contractual provisions violated, and articulates the appropriate remedy.

As will be discussed in more detail later, changes in the 1998 National Agreement mean that effective grievance writing at Step 2 has become even more critical. For that matter, these changes also mean that effective grievance writing can be an even greater advantage for the Union as well.

What Must Be In the Step 2 Appeal?

The Step 2 Appeal is made on the standard Grievance Appeal Form. The form should be completely and correctly completed for each appeal. While some information is more critical than others, some things are specifically required. Article 15, Section 2, Step 1(d) says:

(d) The Union shall be entitled to appeal an adverse decision to Step 2 of the grievance procedure within ten (10) days after receipt of the supervisor's decision. Such appeal shall be made by completing a standard grievance form developed by agreement of the parties, which shall include appropriate space for at least the following:

- 1. Detailed statement of facts;**
- 2. Contentions of the grievant;**
- 3. Particular contractual provisions involved; and**
- 4. Remedy sought.**

In addition to properly completing Lines 1-10, identifying the grievance, every Step 2 Appeal

must include the four (4) elements identified in Article 15, Section 2, Step 1(d). These elements are fulfilled by completing parts 11-13 of the Step 2 Appeal Form. The Step 2 Appeal Form will then lay out a clear outline of our grievance. This is the written record, or foundation, upon which the remainder of the grievance/arbitration process will be constructed.

AMERICAN POSTAL WORKERS UNION, AFL-CIO

53  1984

STEP 2 GRIEVANCE APPEAL FORM

1	DISCIPLINE (NATURE OF) OR CONTRACT (ISSUE)	CRAFT	DATE	LOCAL GRIEVANCE #	USPS GRIEVANCE #
2	TO USPS STEP 2 DESIGNEE (NAME & TITLE)		INSTALLATION/SEC. CEN./BMC		PHONE
3	FROM: LOCAL UNION (NAME OF)	ADDRESS	CITY	STATE	ZIP
4	STEP 2 AUTHORIZED UNION REP. - (NAME & TITLE)	AREA CODE	PHONE (OFFICE)	AREA CODE	PHONE (OTHER)
5	LOCAL UNION PRESIDENT	AREA CODE	PHONE (OFFICE)	AREA CODE	PHONE (OTHER)

WHERE - WHEN

STEP 1 MEETING & DECISION

MET WITH

6	UNIT/SEC/BR/STA/OFC	DATE/TIME	USPS REP - SUPR	GRIEVANT AND/OR STEWARD			
7	STEP 1 DECISION BY (NAME & TITLE)		DATE & TIME	INITIALS			
8	GRIEVANT PERSON OR UNION (Last Name First)	ADDRESS	CITY	STATE			
9	SOCIAL SEC. NO.	SERVICE SENIORITY CRAFT	FTR - PTR - PTF	LEVEL	STEP	DUTY HRS	OFF DAYS
10	JOB#/PAY LOCATION (UNIT/SEC/BR/STA/OFC)	WORK LOCATION CITY AND ZIP CODE			LIFETIME SECURITY	VETERAN	
					YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	

11 Pursuant to Article 15 of the National Agreement we hereby appeal to Step 2 the following Grievance alleging a Violation of (but not limited to) the following: NATIONAL, (Art./Sec.)
LOCAL MEMO (ART./SEC.) OTHER MANUALS, POLICIES, L/M MINUTES, ETC.

12 DETAILED STATEMENT OF FACTS/CONTENTIONS OF THE GRIEVANT

List of attached papers as identified

13 CORRECTIVE ACTION REQUESTED

SIGNATURE & TITLE OF AUTHORIZED UNION REP.

How to Complete the Step 2 Appeal Form

The Step 2 Grievance Form *must* be filled out carefully and completely. Each line *must* be completed:

Line 1 - Nature of discipline or contract issue (do not insert Article Number here); the date on which the appeal is made; union local grievance number.

Line 2 - Name and title of USPS official to whom appeal is made; name of installation; telephone number.

Line 3 - Local Union and business address.

Line 4 - Name of APWU Representative authorized to discuss Step 2; telephone numbers where he or she may be reached.

Line 5 - Name of Local Union President; phone numbers where she may be reached.

Line 6 - Work location (e.g., section, station, office) where Step 1 was heard; date/time grievance was filed; name of supervisor with whom grievance was filed at Step 1; name of grievant and/or steward actually present at the discussion.

Line 7 - Name of supervisor who made the decision; date/time decision was made; initials of supervisor making the decision attesting to date/time of decision.

Line 8 - Grievant (or Union if class action), address and telephone number of same. (Telephone number may sometimes be a sensitive issue. However, in cases such as removals or suspensions they can be critical.)

Line 9 - Social Security number of employee; seniority date; service & craft; employee classification; level; step; duty hours; off days.

Line 10 - Work Location (e.g., section, station, office) where incident occurred; zip code of installation where incident occurred; whether or not employee has lifetime security; and whether or not employee is classified as a preference eligible (veteran).

Line 11 - Cite contract articles violated, including LMOU, Handbook and Manual citations.

Line 12 - What happened and reasons for making the appeal. This must be a “detailed” statement. You do not have to write a book but you need to answer all the six (6) questions: “Who, what, where, when, why and how.”

Line 13 - What the Union feels is required to correct grievance.

To Whom Is the Step 2 Grievance Appealed?

The official Step 2 Appeal Form, once completed and reviewed to insure accuracy, is appealed to the installation head or designee. To safeguard time limits, it is wise to use certified mail, return receipt requested. When hand delivered, get your copy date stamped to show receipt.

Who Makes the Step 2 Appeal?

The method of Step 2 Appeal is a matter of local Union policy. We would strongly suggest, however, that ideally someone other than the steward who handled the Step 1 makes the appeal to Step 2. This method provides an objective review and also the opportunity to get additional facts and documents, if necessary. It can also provide an important internal training mechanism as the Step 1 Steward learns from the more experienced Step 2 designee. This type of “check and balance” within the grievance processing system can also provide stability and consistency in the local Union’s position on specific issues.

Detailed Statement of Facts and Contentions.

As suggested earlier, it is not necessary to write a book. A clear, concise statement of all facts and contentions is best. However, the Step 2 Appeal must contain sufficient information to answer each of the six (6) required questions:

1. **WHO:** Who is involved in, or a witness to, the grievance? Name(s), unit, craft, seniority date, job classification, tour, etc.
2. **WHAT:** What happened? Only facts, no opinions.
3. **WHEN:** When did the grievance occur? On what date, at what time.
4. **WHERE:** Where did the infraction take place? Exact location, section or area, city and state.
5. **WHY:** Why is it a violation of the agreement?
6. **HOW:** How can this grievance be resolved? What adjustment is necessary?

Telling the Story - Writing Your Grievance

The written grievance really is a story - non fiction, of course. It is an account of something that has happened - something that constitutes a violation of our Collective Bargaining Agreement. The Step 2 Appeal is an opportunity for the steward to make use of the written word (whether artfully or not) to tell the story of what has happened. While no substitute for documentation and investigation, the well written grievance compliments those efforts. If this written "story" fully explains what has taken place, and how that has violated the Agreement, the grievance has a significantly improved chance for success.

Your Approach to Grievance Writing

Let's face it. Most Union stewards are not budding Ernest Hemingways, John Steinbecks, or even John Grishams. Most never aspire to that level. Thankfully, that is also just not necessary. At the same time, how you approach a task very often dictates how well the job gets done. Sometimes it is just attitude. Other times it is more a matter of technique. The approach to writing a successful grievance is really some of both.

Attitude. Set you mind to a simple task of: a) laying out the facts of what has happened; b) pointing to contractual provisions that govern the action; and c) describing how management's actions are contrary to the contract. No matter how tempting, avoid exploiting the grievance procedure to preach, the vent emotions, or to make attacks of management or individual managers.

Remember that the grievance procedure is really just a means of conducting business. Your efforts here should be directed toward simply accomplishing clear, hard, business objectives. While it is true that you will sometimes deal with factual circumstances in which individual lives have been effected on a very personal level, it is also true that everything in the grievance procedure starts (and generally ends) with cold hard facts.

Technique. Collect the factual evidence of what has happened. Organize the facts in a logical, easily understandable way. Research the contract, manuals, handbooks, local agreements, policies, etc., for appropriate governing language. Then tell the story.

Your technique will ultimately be unique to your own individual background, education, and personality; however, it should flow from your attitude about your task as a steward or the contract. Your task is as a teller of the story, as a representative of the Union, and as a representative of the aggrieved. You are not a preacher. You are a worker; a gatherer of the facts, a purveyor of the truth - the simple hard, truth.

Finding the Words

First, and foremost, you need facts and factual evidence that may be relied upon to prove the facts. That is where your efforts at documentation and investigation come to play. Thoroughly investigate your potential grievance. Interview all witnesses. Collect witness statements. Obtain all relevant documentation. Think about what you need to prove and what evidence will best prove it. You undoubtedly, at some time, have had the experience of *knowing* that something has happened without possessing hard evidence to prove it. “It’s just common sense...Everybody knows that!...It’s so obvious.” **Knowledge** is not **Fact**. Ultimately, the truth of the matter is not nearly as important as the ability to prove that truth.

Secondly, organize the facts and factual evidence. Outline the facts in a logical order, tying the factual evidence by which the facts may be proved to the facts of the case. That order may be time sequential or it may be according to certain topics that need explanation. Generally, a time sequence is important to a clear, coherent explanation of the grievance story. Whenever possible, order the facts chronologically.

Third, with the facts in hand, find all relevant contract provisions, handbook and manual citations, policy statements, etc., that govern the actions of the Postal Service and the grievant(s). Organize these elements in a fashion similar to your organization of the factual evidence, so that you will be able to bring into the story of the case, appropriate governing language as need to make your point.

Fourth, know your objective. What are you trying to accomplish. A discipline grievance is directed at showing that the Postal Service failed to prove its case. A contract grievance is directed at proving a violation of the Collective Bargaining Agreement.

Finally, now, its time to tell your story. While this description may seem overly involved, the work need not be. Some grievances will be clear and concise in your mind; the recitation of the facts and evidence in support will be on the tip of your tongue; and the contractual provisions needed to support your argument will be almost self-evident. You will not need to go to any great lengths to get organized before starting to write.

However, in many cases, neglecting to get yourself organized in advance will lead to omissions and errors, which will become increasingly more difficult to correct at the later steps of the grievance/arbitration process. Take the time to double check yourself. Better yet, have another steward or officer review your grievance and check your approach and execution.

Using Your Writing Skills

First, and foremost, keep in mind that you are beginning the development of the written record. You are really writing for someone who knows absolutely nothing about the case, about the individuals involved, or even (frequently) about the Contract. That person is the Arbitrator. The

Arbitrator comes to the hearing with absolutely no advance knowledge of the case; what she reads in the Step 2 Appeal and the other moving papers of the grievance must fully explain the case. It will develop the foundation upon which the advocate must move the case through testimony and evidence.

Start with the basics. Describe the event or events which have occurred that have prompted this grievance. In other words, thoroughly describe **who** did **what**, **when** and **where** the events occurred, **why** it violated the Collective Bargaining Agreement, and **how** the matter can best be remedied.

This really should not take much more than four or five short paragraphs, unless there are a lot of details that need to be covered. However, the essential facts of most cases frequently cannot be stated in the confines of the "Item 12" block on the Step 2 Appeal form.

Explain the specific contractual, manual, handbook or other regulatory provisions which govern the facts of your case. Do not be afraid to quote directly appropriate portions of the governing language. However, be precise. Do not misquote. The language says what it says. If you quote, show it as a quote.

Do not ask questions in the grievance. The grievance seeks resolution based upon facts and factual evidence. Questions are not facts. Questions are not factual evidence. Questions are not resolutions. Describe facts. Rely upon factual evidence. Propose resolutions.

The Hazard of an Incomplete Grievance Statement

The viability of any grievance can be jeopardized by the steward's failure to make a sufficiently "detailed statement of facts." The Postal Service more and more frequently has challenged and can be expected to challenge grievances on procedural grounds such as the Union's failure to meet the obligations imposed by Article 15 or the National Agreement. If the statement of facts is sufficiently non-specific it may be impossible for anyone to identify what occurred. If one cannot tell what occurred, when and where it occurred, and who was involved, the grievance has failed to identify a violation of the Agreement. The only purpose of the grievance procedure is to identify a violation of contractual rights and to thereby seek redress. The grievance procedure is not an appropriate forum for complaining.

Developing Your Remedy

Some stewards feel that determining the appropriate remedy to request is often the most difficult part of writing the grievance. This should not have to be the case if certain basic principles are kept in mind.

- The theoretical purpose and scope of remedy in arbitration.
- The intended impact of the requested remedy.

- What measure of remedy it would take to halt future violations.
- Practicality.

Theory of Remedy. The purpose of a remedy is frequently expressed as returning the parties, especially the aggrieved to the *status quo ante*- that is, back to the conditions that existed prior to and absent the violation. The ultimate goal, finally, is to make the matter whole.

Intended Impact. Sometimes an exaggerated remedy request is necessary to call special attention to a particular grievance. Do not overuse at the risk of losing impact. Sometimes, asking for more than expected may give a tactical advantage in negotiation of a settlement. This advantage is diminished through overuse.

Injunctive Effect. There is no injunctive relief provided for in the contract or in the law for 99.9% of contractual violations. Monetary remedies are appropriate not only to make the grievant whole, but also to provide a disincentive for future violations.

Practicality. Generally, be realistic, thorough, as precise as possible and as broad as necessary.

In the vast majority of grievances, the remedy should be designed to return the grievant(s) to the *status quo ante*, based upon realistic analysis of the impact of the violation. Nonetheless - **Money talks!**

Discipline Remedies. Never request that a lesser discipline be substituted for the discipline being challenged!! That's fine for settlement discussion, but always request that discipline be rescinded.

- Expunge the discipline and any and all references thereto from all records and files.
- Compensate the grievant for any and all losses incurred as a result of the discipline, whether known or unknown as of the filing of the grievance.
- Return the grievant to his/her position with no loss of seniority, rights, or benefits.
- Make the grievant whole.

Contractual Remedies. Analyze the specific facts and evidence of the grievance to determine gains and losses. Who lost what? What did the Service gain by the violation? The grievant(s) is/are entitled to be made whole for any right or benefit lost as the result of the Service's unjust action. The Service should be required to forfeit any unjust enrichment, or ill-gotten gain, resulting from their contractual violation. What was lost must be restored. What was unjustly gained must be forfeited.

Some violations, such as overtime violations, have specifically defined remedies spelled out in the Agreement. Other scheduling circumstances or deviations may also have defined premiums. Where the Collective Bargaining Agreement, or prior settlements between the parties have specified appropriate remedy, integrity demands consistent application of those remedies.

By and large, there are very, very few remedies spelled out anywhere for violations of the Agreement. There is, unfortunately, no laundry list. The Service however, cannot escape remedy solely because of silence in the contract. Every violation of the contract is susceptible to appropriate remedy.

As a General Rule. If the grievance does not ask for it, the Arbitrator will not award it. Arbitrators have all too frequently excused themselves from applying an appropriate remedy to a specific grievance solely because of the Union's failure to include a specific element or remedy - such as, back pay for an unwarranted disciplinary action.

What Happens at Step 2?

Step 2 provides the first written record of your grievance. There are also contractual provisions for full and timely discussions, development of the facts and issues, information sharing, joint interviews of witnesses, etc. Article 15, Section 2, Step 2 provides:

Step 2:

(a) The standard grievance form appealing to Step 2 shall be filed with the installation head or designee. In any associate post office of twenty (20) or less employees, the Employer shall designate an official outside of the installation as the Step 2 official, and shall so notify the Union Step 1 representative.

(b) Any grievance initiated at Step 2, pursuant to Article 2 or 14 of this Agreement, must be filed within 14 days of the date on which the Union or the employee first learned or may reasonably have been expected to have learned of its cause.

(c) The installation head or designee will meet with the steward or a Union representative as expeditiously as possible, but no later than seven (7) days following receipt of the Step 2 appeal unless the parties agree upon a later date. In all grievances appealed from Step 1 or filed at Step 2, the grievant shall be represented in Step 2 for all purposes by a steward or a Union representative who shall have authority to settle or withdraw the grievance as a result of discussions or compromise in this Step. The installation head or designee in Step 2 also shall have the authority to grant or settle the grievance in whole or in part.

(d) At the meeting the Union representative shall make a full and detailed statement of facts relied upon, contractual provisions involved, and remedy sought. The Union representative may also furnish written statements from witnesses or other individuals. The Employer representative shall also make a full and detailed statement of facts and contractual provisions relied upon. The parties' representatives shall cooperate fully in the effort to develop all necessary facts, including the exchange of copies of all relevant papers or documents in accordance with Article 31. The parties' representatives may mutually agree to jointly interview witnesses where desirable to assure full development of all facts and contentions. In addition, in cases involved discharge either party shall have the right to present no more than two witnesses. Such right shall not preclude the parties from jointly agreeing to interview additional witnesses as provided

above.

(e) Any settlement or withdrawal of a grievance in Step 2 shall be in writing or shall be noted on the standard grievance form, but shall not be a precedent for any purpose, unless the parties specifically so agree or develop an agreement to dispose of future similar or related problems.

(f) Where agreement is not reached the Employer's decision shall be furnished to the Union representative in writing, within ten (10) days after the Step 2 meeting unless the parties agree to extend the ten (10) day period. The decision shall include a full statement of the Employer's understanding of (1) all relevant facts, (2) the contractual provisions involved, and (3) the detailed reasons for denial of the grievance.

(g) If the Union representative believes that the facts or contentions set forth in the decision are incomplete or inaccurate, such representative should, within ten (10) days of receipt of the Step 2 decision, transmit to the Employer's representative a written statement setting forth corrections or additions deemed necessary by the Union. Any such statement must be included in the file as part of the grievance record in the case. The filing of such corrections or additions shall not affect the time limits for appeal to Step 3 **or arbitration**.

(h) The Union may appeal an adverse Step 2 decision to Step 3. Any such appeal must be made within fifteen (15) days after receipt of the Employer's decision unless the parties' representatives agree to extend the time for appeal. **However, the Union may appeal an adverse Step 2 decision directly to arbitration for disciplinary grievances or contract grievances which involves the interpretation, application of, or compliance with the provisions of any local Memorandum of Understanding not in conflict with this Agreement, and those issues the parties have agreed are appealed to Expedited Arbitration. These grievances will be appealed to the appropriate Grievance/Arbitration Processing Center within thirty (30) days after the receipt of the Employer's Step 2 decision.** Any appeal must include copies of (1) the standard grievance form, (2) the Employer's written Step 2 decision, and, if filed (3) the Union corrections or additions to the Step 2 decision.

Step 2 is intended to offer a real opportunity for grievance resolution; it provides the parties with the opportunity to discuss the case in detail, and requires full disclosure of facts and documents by both parties. This is where the grievance record should be fully developed. All issues should be discussed. Witnesses should be interviewed if necessary. All documents should be shared and copies exchanged. The goal is to get all of the facts and contentions on the table in order to facilitate any possible opportunity for resolution.

The parties may settle the grievance in whole or in part. Settlements are not precedent-setting unless both parties so agree mutually or develop an agreement to dispose of future similar or related grievances in the same manner. If you intend for your settlement to establish procedures or dispose of similar grievances for the future don't accept a management "boilerplate" non-citeable settlement.

Let's Review the Step 2 Procedures

1. A standard Step 2 grievance form must be filed with the installation head or designee. (In an associate office of 20 or less employees, the employer shall designate an official outside of the installation as Step 2 official and shall so notify the union's Step 1 representative.)
2. The installation head or the designee will meet with the steward or designated union representative within 7 days following receipt of the appeal to Step 2. If Management does not schedule the meeting within 7 days, the case should be appealed to Step 3.
3. Both parties should disclose facts and contractual provisions relied on for their respective positions, and the union must also state the remedy desired.
4. Both parties must cooperate to develop necessary facts, including exchange of relevant papers and documents, and may mutually agree to interview witnesses.
5. In discharge cases, either party may present no more than two witnesses; however, the parties may mutually agree to interview additional witnesses.
6. Settlements and withdrawals at Step 2 shall be in writing and are not precedent-setting unless the parties specifically so agree or develop an agreement to dispose of future similar or related grievances in the same manner.
7. When agreement is not reached, the employer's Step 2 grievance decision must be furnished within 10 days after the Step 2 meeting unless the parties agree to extend the 10-day period. If Management fails to meet this time limit, the union should appeal to Step 3 or arbitration, as appropriate.
8. The decision must include a statement of the employer's understanding of: (a) all relevant facts, (b) contractual provisions involved, and © detailed reasons for denial of the grievance.
9. The union representative should, within 10 days of receipt of the Step 2 decision, transmit to the employer representative a written statement setting forth corrections or additions deemed necessary by the union. The statement becomes part of the grievance file and *does not affect time limits for appeal to Step 3 or appeal to arbitration.*

The Union should never withhold information or argument at Step 2 with the intent to surprise management at Step 3 or arbitration. It just doesn't work. Most current arbitrators will not permit such evidence to be even introduced for consideration. Request copies of all documents shared by management at Step 2. Always request Management's Form 2608, Step 1 Grievance Summary. Keep a record of all documents received at Step 2 as well as all documents shared by the Union. If management's Step 2 designee does not request copies, note that on your record.

Additions and Corrections. Are they Necessary?

Perhaps the most important (and most frequently overlooked) element of effective grievance writing is the Union's opportunity to submit Additions and Corrections to management's Step 2 grievance decision. Management almost never fully complies with the contractual requirements for a Step 2 grievance decision. Yet, all too often, the Union simply fails to take advantage of their contractually guaranteed right to correct or add to an incomplete grievance record as established by that Step 2 decision.

Article 15, Section 2, Step 2(f) requires:

(f) Where agreement is not reached the Employer's decision shall be furnished to the Union representative in writing, within ten (10) days after the Step 2 meeting unless the parties agree to extend the ten (10) day period. The decision shall include a full statement of the Employer's understanding of (1) all relevant facts, (2) the contractual provisions involved, and (3) the detailed reasons for denial of the grievance. (Emphasis added.)

More often than not management's Step 2 decision will fail to fully address all of the required elements. Even when it does, management will often fail to fully and fairly spell out all of the facts, Union contentions, and documents exchanged. When that happens, because these are important elements of the grievance record, Article 15, Section 2, Step 2(g) gives the Union an opportunity to "correct" the record:

(g) If the Union representative believes that the facts or contentions set forth in the decision are incomplete or inaccurate, such representative should, within ten (10) days of receipt of the Step 2 decision, transmit to the Employer's representative a written statement setting forth corrections or additions deemed necessary by the Union. Any such statement must be included in the file as part of the grievance record in the case. The filing of such corrections or additions shall not affect the time limits for appeal to Step 3 *or arbitration*.

Remember we are creating the written record, or grievance chain, for this grievance. The use of Additions and Corrections gives the Union two (2) chances to management's one (1) opportunity to make that record. Only in the most rare of circumstances should we fail to take advantage of that opportunity. The facts, for instance, may not really be in dispute. But just the manner in which they are laid out for consideration can make a distinct shift in the balance of a case. Even

the Union's issues, when explained from management's perception, are a little less persuasive. It's our case. Take advantage of our opportunity to make it in its most positive light.

The use of Additions and Corrections will become even more important under the 1998 National Agreement. Once the changes become effective, for all those cases appealed directly to arbitration from Step 2, the Additions and Corrections will, in a very real sense, be the "last word" before the arbitration appeal.

What Should be Included in the Additions and Corrections?

All facts and contentions raised at Step 2 but not clearly identified in your Step 2 Appeal and/or management's decision letter must be included in your Additions and Corrections. Go over your Step 2 notes thoroughly. Is there anything you discussed which is not spelled out in either your Step 2 Appeal or management's Step 2 decision? Have any material facts developed since the Step 2 was written and/or discussed? Include that in your Additions and Corrections. Include a list of all documents, statements and/or joint interviews shared by each side at Step 2. Review your Step 2 Appeal Form carefully. Are there any Articles, LMOU provisions or handbook cites you should have noticed? Include them in your Additions and Corrections. Did you omit something from your requested remedy or would you like to modify it somehow? Include that in your Additions and Corrections. Are there any additional facts or contentions which need to be added (or something which you need clarified)? Add that to your Additions and Corrections.

While this should not happen often, sometimes you will develop new evidence or come upon a new argument after your Step 2 meeting and before appeal to Step 3. If you receive the Step 2 Decision before you have an opportunity to add the new information or argument to the record, include it with your Additions and Corrections. The Additions and Corrections is still considered to be part of Step 2. When evidence or argument is shared through the Additions and Corrections, the Union can usually prevail over management's objection at arbitration because it was shared at Step 2.

Carefully analyze Management's Step 2 Decision letter. Did the designee satisfy the requirements of Article 15, Section 2, Step 2: (f)? If not, argue the bar against further development of the Service's case. If so, provide appropriate rebuttal. Because the Union is provided this opportunity for rebuttal, arbitrators will frequently draw a negative inference from the failure of the Union to exercise this right. Unrefuted assertions in the Step 2 Decision may stand as irrefutable at arbitration.

Do not simply repeat verbatim everything written in your Step 2 Appeal. This is an opportunity for "additions" or "corrections" not "repetition." **Do not attack management on a personal level.** This is your final chance to cogently argue your facts and issues. A well reasoned professional position statement sells your case. Name calling only turns people off. Sure we know that management's Step 2 designee is being stubborn, mule-headed, and obstinate and that he is only a puppet whose strings are actually being pulled by an over-bearing plant manager. But, it will

have to be the facts of your case that prove she is all of those things. Calling her those sorts of names won't convince an arbitrator.

What Do the Changes in Article 15 Mean to Us?

Effective July 8, 1999, the 1998 National Agreement will provide for the appeal of certain types of cases directly to arbitration from Step 2. The types of cases which must be appealed directly to arbitration (instead of Step 3) are:

- 1) All discipline cases.
- 2) Contract cases including interpretation, application of, or compliance with your LMOU.
- 3) All Expedited Cases. (See below for discussion of expedited issues.)

Do not be misled by the permissive "may" in Article 15, Section 2, Step 2(h). This does not give the local Union an option of appealing either to Step 3 or arbitration. Depending on the type of case, the local Union has the option of appealing (to Step 3 or directly to arbitration as appropriate) or of closing the case.

The appeal of many cases directly to arbitration from Step 2 makes everything at Step 2 even more critical. We will no longer have the opportunity to "perfect" these cases at Step 3. Because both sides have become very effective in raising appropriate "blocking" arguments, anything not clearly raised and documented at Step 2 may never see the light of day before an arbitrator. This makes it imperative that we identify every issue and document in our Step 2 Appeal and/or Additions and Corrections.

If management fails to fully develop their case - tough! We accept what advantage it gives us. If we fail to fully document, and develop through the written record, our case - then accept responsibility for closing the case.

What Issues are Appealed to Expedited Arbitration?

The parties, at the National Level, have identified through a Memorandum of Understanding, the issues which are considered "expedited". That MOU is reproduced below:

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES POSTAL SERVICE
AND THE
AMERICAN POSTAL WORKERS UNION, AFL-CIO**

Re: Expedited Arbitration

The United States Postal Service and the American Postal Workers Union, AFL-CIO, agree to hear the following issues in the Expedited Arbitration forum:

- 1. Individual Overtime Issues**
- 2. Withholding of Step Increases**
- 3. Individual Leave Requests Concerning Annual Leave, Sick Leave, Leave Without Pay, Court Leave, Restricted Sick Leave, and Requests for Medical Certification**
- 4. AWOL**
- 5. Individual Holiday Scheduling Issues**
- 6. Suspensions (Except Emergency Suspensions)**
- 7. Article 25, Higher Level Assignments**
- 8. Employee Claims**
- 9. Letters of Demand of Less Than \$2,000**
- 10. Individual Clerk Craft Seniority Disputes**
- 11. Such Other Matters as are Mutually Agreeable at the Area/Regional Level.**

This agreement does not change either party's right to refer an expedited case to regular arbitration in accordance with the applicable procedure of Article 15, Section 5.C., of the National Agreement.

The parties at the National level will continue to attempt to identify and agree upon additional issues to be referred to Expedited Arbitration at the Area/Regional level in accordance with Section 5.C. of Article 15 of the National Agreement.

Remember all expedited issues must be appealed directly to arbitration from Step 2. If in doubt as to whether your case is an expedited issue consult another Local Officer or your National Business Agent. If your case involves one of these issues then it is an expedited issue.

What Happens If I Appeal a Case to the Wrong Forum?

If you mistakenly appeal a case to Step 3 within the fifteen day appeal time limits and it should

have been appealed to arbitration, that mistake can be corrected by your National Business Agents. The parties MOU says:

* * *
**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES POSTAL SERVICE
AND THE
AMERICAN POSTAL WORKERS UNION, AFL-CIO**

Re: Timeliness Regarding Step 2(h) Appeals

When the Union incorrectly appeals a grievance under Article 15.2 Step 2(h) to Step 3 rather than to arbitration, and can show the appeal was made timely, Management will not consider timeliness as a waiver of the grievance. If no timely appeal to Step 3 can be established by the Union then Management retains the right to raise the timeliness issue.

* * *

Please note, however, that as of this writing there is no similar MOU to cover situations where cases are mistakenly appealed to arbitration where they should have been appealed to Step 3. Although we have been told that there is agreement on this issue, until something develops in writing do not just “assume” that a similar “amnesty” exists for grievances incorrectly appealed to arbitration instead of Step 3.

Should We Grant Extensions at Step 2?

Granting of extensions is a matter of local policy and should occur only on a case-by-case basis. It should never occur routinely or as a matter of course. We should seldom need extensions and we should request them just as infrequently. Management requests for extensions should be just as infrequent and granted just as cautiously.

With the change in Article 15, the Union’s incentive for granting management extensions at Step 2 has been significantly decreased. If management cannot meet within the time limits or fails to provide a timely Step 2 decision, the Union will, in some cases, be appealing directly to Arbitration without management enjoying the benefit of a Step 2 meeting and/or Step 2 decision. That means that the Union Step 2 Appeal and/or Additions and Corrections will as a consequence be the ONLY written record of the grievance. Of course, that should make it almost go without saying, that the Union must make certain that the Step 2 Appeal and Additions and Corrections completely spell out all of the facts, Union contentions and documentation shared at Step 2 or available to be shared if the Step 2 meeting had been held.

The new language in Article 15 all points to the timely and expeditious processing of grievances.

This would suggest that extensions should only rarely be utilized.

One word of caution. Don't bite off your nose to spite your face. Where you find yourself occasionally requesting (and being granted) extensions you should normally extend the same courtesies to management.

CASE STUDY EXERCISES

TO THE STUDENT:

Welcome to the grievance writing phase of your Shop Steward training. Our hope is that these exercises will help you to utilize the training, resource material given to you during your training, and your past skills, with even greater effectiveness, enabling you to complete well-documented grievances.

In this exercise you will need the following:

- pen, pencil, paper
- Collective Bargaining Agreement
- Document Request Forms
- Step-2 Appeal Forms
- Step-3 Appeal Forms
- Arbitration Appeal Forms
- Extension Forms
- Step-1 Grievance Forms

Your instructors will draw your attention to specific sections, as well as instruct you when and where to **STOP** and **GO**.

STOP!!!

SECTION 1:

GRIEVANCE WRITING

EXTENSION FORM:

Write up an extension for the following case...

Ms. Never On Time, Mail Processor Clerk, P/L 621 Tour-1, GMF, received a notice of “Seven Days Suspension” for the charge: “Unsatisfactory Attendance,” issued by Supervisor I Don’t Care. The notice read “You need at least four days from today’s date to file a timely grievance and this is the first day of your investigation.” The Notice of Suspension has Never On Time’s social security number as 543-62-0008. The grievant promised she would submit her statement to you by the end of her tour of duty.

DOCUMENT REQUEST FORM:

Using a document request form for the above case, request everything you will need to secure for this suspension grievance.

GRIEVANCE OUTLINE WORKSHEET:

Using a grievance outline worksheet, write up the case using the only information given to you at this time...

STEP-2 GRIEVANCE APPEAL FORM:

Using a Step-2 Grievance Appeal Form, write up a Step-2 Appeal showing that Supervisor I Don’t Care denied the grievance on today’s date, at 11:30 pm, with the explanation that there’s no point discussing the issue any further, that Ms. Never On Time has poor attendance and needs to come to work. She has been given numerous discussions, has been placed on Restricted Sick Leave as well as received a Letter of Warning two weeks ago...

Using the same Step-2 appeal form, do not forget to complete sections 11, 12, and 13.

Sign your name as the authorized union representative.

REVIEW/DISCUSSIONS

SECTION 2:

CASE STUDY 1-A

Read case scenario and wait until you are further instructed.

1-A Case Scenario:

The shop steward believes from his/her observations that the employer is utilizing casuals and part time flexible's in a manner which, when documented, would prove duty assignments need to be posted. Also, the employer should be maximizing full time employees with fixed schedules while minimizing the use of part time employees. The employer fails to give the shop steward adequate time to document the hours of the casuals or PTF's or to interview employees.

STOP!!!

1-B Using a Step-2 Grievance Appeal Form complete the following:

- a) In section #11, list the relevant articles relating to case 1-A.
- b) In section #12, give a detailed statement of facts/contentions of the grievant of case 1-A.

1-C In section #13, using all available information and your resource material, write up a "Remedy" for this case (1-A).

STOP!!!

CASE STUDY 2-A

Read case scenario and wait until you are further instructed.

2-A Case Scenario:

Tuesday the employee informs the supervisor he/she has to have an operation next Monday and needs to be off for two weeks. Six months ago, this employee had a one week suspension for irregular attendance. Since that time the employee was off two days (last month) and one day (the month before). The supervisor says “Okay” and then suspends the employee for two weeks for having three absences in the last three months.

STOP!!!

2-B Using a Step-2 Grievance Appeal Form complete the following :

- a) In section #11, list the relevant articles, provisions relating to case 2-A.
- b) In section #12, give a detailed statement of facts/contentions of the grievant.

2-C In section #13, using all available information and your resource materials, write up a “Remedy” for this case (2-A).

STOP!!!

CASE STUDY 3-A

Read case scenario and wait until you are further instructed.

3-A Case Scenario:

Supervisor I.M. Boss, called 20 employees into his office. These were the employees who called in either the day before or after the Thanksgiving holiday in 1998. Supervisor I.M. Boss informed these twenty employees if they again called in either the day before or after a Thanksgiving holiday they will have to bring in medical documentation for the absence.

STOP!!!

3-B Using a Step-2 Grievance Appeal Form complete the following:

- a) In section #11, list relevant articles, provisions.
- b) In section #12, give a detailed statement of facts/contentions of the grievant using information from case and resource material.

STOP!!!

3-C In section #13, using all available information and your resource materials, write up a “Remedy” for this case (3-A).

STOP!!!

CASE STUDY 4-A

Read case scenario and wait until you are further instructed:

4-A Case Scenario:

Supervisor Doas I. Say approached employees on the work room floor to discuss their work habits. This discussion occurred in front of other employees. A scolded employee was then told to report to the tour office. The employee requested a shop steward and management refused the request.

STOP!!!

4-B Using a Step-2 Grievance Appeal Form complete the following:

- a) In section #11, list relevant articles/provisions using your resource materials and information from case 4-A.
- b) In section #12, give a detailed statement of facts/contentions of the grievant.

STOP!!!

4-C In section #13, using all available information and your resource materials, write up a “Remedy” for this case (4-A).

STOP!!!

In the next session, you will be focusing more on what it takes to fully complete a Step-2 Grievance Appeal Form.

For now, you are to follow instructions given and complete ‘only’ as instructed.

SECTION 3:

CASE SCENARIO 5-A

Read case scenario and general information and wait until you are further instructed:

5-A Case Scenario:

Management gave Ms. Jones a letter of warning for being absent from her assignment and gave her a 35 minute AWOL. Ms. Jones is not guilty of the charge. The supervisor (who wasn't even her immediate supervisor) refused to listen to her explanation that another supervisor had given her permission to be absent from the floor in order for Jones to be assisted with her occupational injury.

5-B General Information:

Grievant: Crystal Jones
Address: 966 Rowene Ave., Milwaukee, WI 53211
Unit: OG Mails **Work Location:** Milwaukee, WI 53201
Svc Seniority: 2/90
Status: PTF
Step-1 Mtg: 1/5/95
Step-1 Dec: 2/11/95
Dec. By: Larry Parks, Supv.
Supv: Tom Trout
Steward: C. Biggs

STOP!!!

5-C Using the above general information, complete sections #6-10 of a Step-2 Grievance Appeal Form.

STOP!!!

5-D Using case scenario 5-A, complete section #12 of the Step-2 Grievance Appeal Form.

STOP!!!

5-E In section #13 of the same form, write up an appropriate "Remedy".

STOP!!!

5-F Sign your name on the line as authorized Union Rep.

REVIEW/DISCUSSIONS

CASE SCENARIO 6-A

Read case scenario and general information and wait until you are further instructed:

6-A Case Scenario:

On September 19, 1997, the grievant received a seven calendar day suspension for irregular attendance. The letter was dated September 16, 1997. The letter stated the suspension was to begin September 20, 1997. The grievant was placed on Restricted Sick Leave on September 17, 1997. That letter advised, "Failure to improve your attendance or failure to provide the required acceptable evidence can result in disciplinary action." The employee loves to knit and cook.

6-B General Information:

Issue:	7 days suspension	
Local #:	78-5	
USPS#:	C78-11	
Date:	9/26/97	
USPS Desig:	Joe Davis, E. & L.R. Rep.	
Installation:	Anytown, USA	
Local Union:	Bay City Area Local	
Local Address:	1234 Main Street, Anytown, USA,	Zip: 00000
Step-2 U. Rep:	James Gray, Chief Steward	
U.Rep Phone#:	(999) 536-8141	Work: (999) 536-6090
Local Pres.:	Charles Ray	Phone: (999) 536-8141
Grievant:	Ruby Tucker	Home: (999) 536-4300
G. Phone#:	(999) 536-2095	G.SS#: 411-66-9911
G. Svc Sen.:	5/16/61	G.Craft Sen.: 8/13/64
Status:	FTR	Craft: Clerk
Job-P/L:	59-West Station	Hours: 8-5
Work Location:	Anytown, USA., 00000	R/D: Sat-Sun
Lifetime Security:	Yes	Veteran: No
Supervisor:	Robert Jones, Finance Supv.	
Steward:	Ruby Tucker	
Step-1 Mtg:	9/21/97	
Step-1 Dec:	9/26/97	
Unit/Ofc:	West Station	

STOP!!!

6-C Using the general information complete the appropriate sections on a Step-2 Grievance Appeal Form.

STOP!!!

6-D In section #11, list the appropriate articles and provisions.

STOP!!!

6-E In section #12, write relevant facts/contentions using case scenario 6-A.

STOP!!!

6-F In section #13 of the same form, write up an appropriate “Remedy” for case scenario 6-A.

STOP!!!

6-G Sign your name on the line as authorized union rep.

REVIEW/DISCUSSIONS

CASE SCENARIO 7-A

Read case scenario and general information and wait until you are further instructed:

7-A Case Scenario:

On January 4, the grievant was given a notice of suspension. Allegedly, Postal Security observed the employee “entering” through the “exit” of the Employee Parking Lot to park his car. The employee, who has 15 years of service, has never received discipline. There are no signs on the “exit” or “entrance” of the parking lot. The employee was five minutes late and it was raining or else he would not have used the “exit” as an “entrance”. There are no policies or directives concerning entering or exiting the parking lot. The Postal Service does have a policy concerning what type of shoes can be worn at work. The date of the alleged action, the Service gave stand-ups concerning “How to Safely Mow your Lawn”.

7-B General Information:

Grievant: Tresh, Tom
G. Address: 123 Main Street, Fargo, ND
G. Phone: Mi-1-2345 **G.SS#:** 111-22-3333 **G.Svc.Sen Date:** 1/1/60
G. Craft: Clerk **Status:** FTR **P/L:** 123 **Unit:** 500
Section: Registry Unit **Work Location:** GMF Fargo, ND 58107
Life Time Security: Yes **Veteran:** Yes **Level:** 5 **Step:** 10
Supervisor: Arthur Treacher
Steward: Bill Monday
Duty Hours: 7:00 am - 4:00 pm
Step-1 Mtg: 1/4/85 **Step-1 Dec.:** 1/5/85 **Time:** 7 am
Issue: 7 Days Suspension **Grievance #:** 1234
Step-2 Desig.: Ted Williams, Postmaster
Installation: Fargo, ND **Phone#:** (701) 241-6100
Step-2 Appeal: 1/5/85
Local Union: Fargo Area Local
Local Address: P.O. Box 1874, Fargo, ND 58107
Local Phone#: (701) 241-6100
Local Pres.: Andy Carey **Phone#:** (701) 241-6100
Step-2 Union Rep.: Bob Snyder, Chief Steward
U. Rep. Phone#: (701) 241-6100

STOP!!!

7-C Using the General Information from case 7A complete the appropriate sections on a Step-2 Grievance Appeal Form.

STOP!!!

7-D In section #11 of the same appeal form, list the appropriate articles and provisions of case 7-A.

STOP!!!

7-E In section #12, write relevant facts/contentions using case scenario 7-A.

STOP!!!

7-F In section #13 of the same form, write up an appropriate “Remedy” for case scenario 7-A.

STOP!!!

*****IF YOU WANT TO TAKE A BREAK, THIS IS A GOOD MOMENT TO TAKE ONE*****

CASE SCENARIO 8-A

Read case scenario and general information and wait until you are further instructed:

8-A Case Scenario:

Ms. Smith reported to work on December 1 after a two month illness. Ms. Smith called her supervisor one week earlier to advise of her "Release" form for return to work. Her supervisor told her to bring her medical documentation in to the nurse when she reports for work. The supervisor forgot that management had started to close the nurses unit at 11:00 pm and Ms. Smith reports to work at 11:45 pm. Ms. Smith's supervisor's MDO refused to let her punch in and work without medical clearance. She was forced to use an additional 8 hours of leave and make a second trip during the day to deliver her medical documentation.

8-B General Information:

Issue:	Contract/Forced A/L	
Craft:	Clerk	
Step-2 Appeal Date:	1/27/99	
Grievance #:	652C95AH	
Step-2 Union Rep.:	Bill Wood	Phone#: (651) 263-8111
Union President:	Anita Henderson	Phone#: (651) 927-6896
Local Union:	St. Paul Area Local	
Union Address:	654 East 6th Street, St. Paul, MN 55106	
Step-2 Desig. Rep:	Arnold Taylor, Supv.	Phone#: (651) 293-6896
Supervisor:	Arnold Taylor	
Shop Steward:	Henderson	Office: Metro Main
Step-1 Meeting:	1/6/99	Step-1 Decision: 1/10/99
Grievant's Name:	Gloria Smith	
G. Address:	316 Elm Hurst, St. Paul, MN 55121	
SS#:	121-30-5698	Service Seniority Date: 5/87
Craft:	Clerk	Status: FTR Level: 5
Duty Hours:	7:00-15:30	
Work Location:	St. Paul, MN 55101	
Lifetime Security:	No	Veteran: No

STOP!!!

8-C Using the General Information in case 8-A, complete the appropriate section on a Step-2 Grievance Appeal Form.

STOP!!!

8-D In section #12, write relevant facts/contentions using case scenario 8-A.

STOP!!!

8-E In section #13 of the same form, write up an appropriate “Remedy” for case scenario 8-A.

STOP!!!

8-F Sign your name on the Step-2 form as the authorized union rep.

REVIEW/DISCUSSIONS

CASE SCENARIO 9-A

Read case scenario and general information and wait until you are further instructed:

9-A Case Scenario:

John Doe received a letter of demand on October 19, 1978 for \$92.08. The union had given written notification to management that there were problems with the locks in several clerks fixed credits. The union has given written notification to management that the break room and bathrooms were dirty. The grievant is also a shop steward.

9-B General Information:

Issue: Contract/Article 28, L.O.D. \$92.08
Craft: Clerk
Step-2 Appeal Date: 10/26/98
USPS Griev.#: C78-9
Union Griev.#: 78-4
Installation: Anytown, USA **Phone #:** (827) 536-6090
USPS Step-2 designee: Joe Davis, E. & L.R. Rep
Local Union: Bay City Area Local
Local Address: 1234 Main Street, Anytown, USA **Zip:** 00000
Local Pres.: Charles Ray **Wk#** (827) 536-8141 **Hm#:** (827) 536-4300
Step-2 authorized union rep: James Gray, Chief Steward
Step-2 Union Rep.'s Phone #: (w) (827) 536-8141 (h) (827) 536-1565
Grievant: John Doe
G. Address: 603 West Haven Street, Anytown, USA
G. Phone: (827) 536-1234
G. Soc Sec #: 410-46-7836 **Sen Date:** 2/21/61 **Level:** 5 **Step:** 10
R/D: Sat/Sun **Station:** West Station **P/L:** 51
Life Security: Yes **Veteran:** Yes
Step-1 Meeting Date: 10/21/78
Step-1 Decision Date: 10/25/78, 9:00 am
Step-1 Decision by: Robert Jones, Finance Supervisor

STOP!!!

9-C Using the General Information complete the appropriate section on a Step-2 Grievance Appeal form.

STOP!!!

9-D In section #11, list the relevant articles/provisions.

STOP!!!

9-E In section #12, write relevant facts/contentions using case scenario 9-A.

STOP!!!

9-F In section #13 of the same form, write up an appropriate “Remedy” for case scenario 9-A.

STOP!!!

9-G Sign the name “James Gray” Chief Steward on the line for authorized union rep.

REVIEW/DISCUSSIONS

CASE SCENARIO 10-A

Read case scenario and general information and wait until you are further instructed:

10-A Case Scenario:

Management has started making employees sign in and out when they go to the bathroom. Management hassles the employees by asking why it takes so long in the bathroom and why anyone needs to go to the bathroom twice in any one morning or afternoon.

10-B General Information:

Use your own Local Information where applicable

Issue: Use from information given in case scenario
Craft: Use your own craft
Step-2 Appeal Date: 3/27/95
Local#: 870C95SW
USPS Step-2 Designee: Bill Gill, Supv.
Use your own installation:
Unit: Your local main facility
Step-1 Meeting Date: 3/10/95
Step-1 Decision Date: 3/12/95
Shop Steward: Your Name
Grievant: Class Action
Grievant Address: Your Local's address
Soc Sec #: N/A
Service Seniority: N/A
Service Seniority Craft: N/A
Level, Step, Duty Hours, R/D, P/L, Work Section: N/A
Lifetime Security: N/A
Veteran: N/A

STOP!!!

10-C Using the General Information complete the appropriate sections on a Step-2 Grievance Appeal Form.

STOP!!!

10-D In section #11, list the relevant articles/provisions.

STOP!!!

10-E In section #12, write relevant facts/contentions using case scenario 10-A.

STOP!!!

10-F In section #13 of the same form, write up an appropriate “Remedy” for case scenario 10-A.

STOP!!!

10-G Sign your name on the line for authorized union rep.

REVIEW/DISCUSSIONS

CASE SCENARIO 11-A

Read case scenario and general information and wait until you are further instructed:

11-A Case Scenario:

On Wednesday May 21, 1997 (PP 11 Week 2) PTF Switt Sripoona was sent home at 8:00 am after 6 hours of work while casual employee Yanez continued to work until 10:00 am. The Union said management should not have sent PTF Sripoona home and kept the casual working for two additional hours because the PTF was qualified and available. The supervisor said that because PTF Sripoona worked a total of 40 hours that week, including two hours overtime, there was no violation.

11-B General Information:

Grievant's Name: Sripoona, Switt
Grievant's SS#: 421-06-7871 **P/L:** 001 **Status:** PTF **Level:** 5
Work Location: GMF, Minneapolis, MN 55401
Shop Steward: Barry Watters
Office: GMF
Supervisor: M. Nelson
Step-1 Meeting Date: 6/20/97
Step-1 Decision Date: 6/26/97
Issue: Use information from case scenario 11-A.
Craft: Clerk
Step-2 Appeal Date: 7/21/97
Local Grievance #: 12BTW97
Local Union Name: Minneapolis Area Local
Local's Address: 1234 NE 4th Street, Mpls., MN 55413
Step-2 Union Rep: Barry Watters **Phone:** (612) 338-6225
Local President: Barry Watters **Phone:** (612) 623-0665
USPS Step-2 Rep: Doug Leeds, Postmaster, Main P.O., Mpls., MN 55401
USPS Step-2 Rep Phone#: (612) 349-4400

STOP!!!

11-C Using the General Information, complete the appropriate sections on a Step-2 Grievance Appeal Form.

STOP!!!

11-D In section #11 of the same form, list the relevant articles/provisions.

STOP!!!

11-E In section #12, write relevant facts/contentions using case scenario 11-A.

STOP!!!

11-F In section #13 of the same form, write up an appropriate “Remedy” for case scenario 11-A.

STOP!!!

11-G Sign your name on the line for authorized union rep.

REVIEW/DISCUSSIONS

CASE SCENARIO 12-A

Read case scenario and general information and wait until you are further instructed:

12-A Case Scenario:

On Sunday morning, September 7, 1997, five employees on the “Overtime Desired List” worked 2 hours overtime each in their respective “city scheme” sections at the end of their tour. At the same time, ten non-list employees worked one hour overtime each in SCF “letters” and “flats”. None of the mail processed on overtime that morning would be dispatched until the following night because all the stations were closed on Sunday.

12-B General Information:

Grievant:	Class Action	
Office:	Main Office	
Steward:	A. Arida	
Supv:	Lillie P. Payne, SDO	
Work Location:	Madison, WI 53707	
Step-1 Mtg.:	10/7/97	
Step-1 Dec.:	10/15/97	
Local Pres.:	Michael D. Evans	Phone: (608) 249-2755
Step-2 U. Rep.:	Alicia A. Arida, Clerk Director	Phone: (608) 249-2755
Local Union:	Madison Area Local, Madison, WI 53707	
USPS Step-2 Rep:	Eugene Pollard, QIS	
Installation:	Madison P&DC	Phone: (608) 304-7108
Issue:	OTDL Violation	
Craft:	Clerk	
Step-2 Appeal Date:	10/20/97	
Grievance #:	AA-39-97	

STOP!!!

12-C Using the General Information from case 12-A, complete the appropriate sections on a Step-2 Grievance Appeal Form.

STOP!!!

12-D In section #11 of the same appeal form, list the appropriate articles and provisions of case 12-A.

STOP!!!

12-E In section #12, write relevant facts/contentions using case scenario 12-A.

STOP!!!

12-F In section #13 of the same form, write up an appropriate “Remedy” for case scenario 12-A.

STOP!!!

12-G Using a document request form, request the relevant documents for case scenario 12-A.

REVIEW/DISCUSSIONS

SECTION 4:

CASE SCENARIO 13-A

Refer back to Case Scenario 7-A for case scenario and general information. Take time to review your previously completed Step 2 Appeal Form.

13-A Step 2 Developments:

Your certified return receipt for this Step 2 Appeal was returned signed and dated January 6, 1985. It is now January 21, 1985. Neither Postmaster Williams nor any Step 2 designee has contacted the Union to schedule a Step 2 meeting. You have left several phone messages (1-13-85 & 1-17-85) with the postmaster's secretary, Ms. Ruth asking about a possible meeting. On January 17, 1985 you also wrote to the postmaster (regular mail) about meeting on this grievance. He has never responded.

13-B Post Appeal Fact Developments:

Last week the Postal Security guard was disciplined for smoking in the parking lot guard's office. He is extremely upset with management right now and may not be cooperative. Since appealing this grievance to Step 2 you have also learned through the grapevine that on or about December 18, 1984, Supervisor M. Mantle was reported by Postal Security to have parked his vehicle in a "No Parking" area in the Employee Parking Lot. Your source indicates that he may not have received anything more than an official sit down talk from the Postmaster. You have submitted an information request for all records of this incident and any discipline issued to Supervisor Mantle. Management has denied your request for information. Since the date of this alleged incident, management has given two additional stand-up talks, one on "The Safe Use of Ladders" and the other on "Snow Shoveling Without Injuring Your Back." You have received copies of the Weather Service Report for January 4, 1985 and the posted work rules. You have also received a confirmation from Personnel that Mr. Tresh has no discipline in his Official Personnel Folder (OPF).

STOP!!!

13-C Using the Case Scenario 7-A information, your Step 2 Appeal and the Case Scenario 13-A Step 2 Developments as well as the 13-B Post Appeal Fact Developments, determine whether to write an Additions & Corrections and do so if appropriate.

STOP!!!

13-D Using the information available complete and sign a Step 3 or Arbitration Appeal Form, as appropriate.

REVIEW/DISCUSS

CASE SCENARIO 14-A

Refer back to Case Scenario 9-A for case scenario and general information. Take time to review your previously completed Step 2 Appeal Form.

14-A Step 2 Developments

Management did not contact you in a timely manner to discuss this grievance. However, on November 10, 1998 you contacted Mr. Davis in Labor Relations and he suggested that you discuss this matter with the Postmaster, Ernesto Busybody. The next day, Mr. Busybody called and set up a Step 2 meeting on November 17, 1998. At the Step 2 meeting, Mr. Busybody indicated that the problems with clerks' locks were always corrected immediately when reported. He indicated that there were no work orders maintained when this was done. Ernesto also said that because Mr. Doe is a shop steward he should be held to a higher standard than just "reasonable care." He declined your request to jointly interview several clerks who reported difficulty in getting management to deal with faulty locks and indicated that he didn't even want to read their statements because they were obviously not telling the truth. You pointed out to PM Busybody that the letter of demand might be procedurally defective since it was signed by Supervisor Jones. Ernesto disagreed.

Today you received Postmaster Busybody's Step 2 Grievance Decision. It read:

"This grievance was discussed with you on November 17, 1998. Employees are expected to exercise reasonable care. I find that Mr. Doe did not do so. Accordingly, this grievance is denied."

14-B Post Appeal Fact Developments

Mr. Doe was recently decertified as a steward by President Ray for letting a grievance go untimely. At least two (2) clerks have provided written statements about their problems with faulty locks at West Station. Your request for work orders was returned "denied" with the indication that no such records are kept. Since your Step 2 discussion you have learned that Supervisor Jones suggested that Doe pay the letter of demand because it would look better on his record that way should he wish to apply for a 204-B position. You believe that Doe has done so. You just recently found two (2) expedited arbitration awards, as well as one (1) regular panel award which rescinded letters of demand because they were signed by someone other than the postmaster without written authorization.

STOP!!!

14-C Using the Case Scenario 9-A information, your Step 2 Appeal and the Case Scenario 14-A Step 2 Developments as well as the 14-B Post Appeal Fact Developments, determine whether to write an Additions & Corrections and do so if appropriate.

STOP!!!

14-D Using the information available complete and sign a Step 3 or Arbitration Appeal Form, as appropriate.

REVIEW/DISCUSS

CASE SCENARIO 15-A

Refer back to Case Scenario 11-A for case scenario and general information. Take time to review your previously completed Step 2 Appeal Form.

15-A Step 2 Developments

On August 1, 1997 you met with Bobby Bonds, management's new Step 2 designee to discuss this case. Mr. Bonds indicated that he did not have a grievance file other than your Step 2 appeal. He said that Supervisor Nelson didn't even send him a Form 2608, *Grievance Summary*. However, he listened carefully while you explained your case and even took notes. You shared clock rings for both Yanez and Sripoona for week 2 of PP 11-97. You provided a statement from Sripoona indicating that he regularly works on the OG Primary. You also provided statements from two (2) FTR employees (Wilson and Alvarez) indicating that they observed Yanez working in the OG Primary from 0600 until after 10:00 am.

Today you received Supervisor Bond's Step 2 Grievance Decision. It read:

“This grievance was discussed with you on August 8, 1997. The evidence indicates that PTF Sripoona worked 40 hours during week 2 of Pay Period 11-97. The casual employee involved only worked 26 hours. The Union has provided no evidence of a contract violation. Accordingly, this grievance is denied.”

15-B Post Appeal Fact Developments

The clock rings showed that Sripoona worked 40.08 hours that week, including 2.08 hours of overtime, 26.88 hours night differential and 8.00 hours Sunday Premium. Yanez's clock rings indicate that he began tour in the OG Primary at 0200. However, they indicate that he was rung into Automation after returning from lunch at 0598. They show that he worked 26.85 hours. You have interviewed Automation Supervisor Dimwitty and he says that Yanez never has worked in Automation at any time. He declined to give you a statement however. Management has indicated to you that Yanez may be the next in line to be hired as a career employee. They are undecided whether to hire him as a letter carrier or a clerk.

STOP!!!

15-C Using the Case Scenario 11-A information, your Step 2 Appeal and the Case Scenario 15-A Step 2 Developments as well as the 15-B Post Appeal Fact Developments, determine whether to write an Additions & Corrections and do so if appropriate.

STOP!!!

15-D Using the information available complete and sign a Step 3 or Arbitration Appeal Form, as appropriate.

REVIEW/DISCUSS

GRIEVANCE OUTLINE

1	DISCIPLINE (NATURE OF) OR CONTRACT (ISSUE)		CRAFT	DATE	UNION GRIEVANCE #	USPS GRIEVANCE #	
6	UNIT/SEC/BR/STA/OFC	DATE/TIME	USPS REP - SUPP		GRIEVANT AND/OR STEWARD		
7	STEP 1 DECISION BY (NAME & TITLE)			DATE & TIME	INITIALS	INITIALING ONLY VERIFIES DATE OF DECISION	
8	GRIEVANT PERSON OR UNION	ADDRESS	CITY	STATE	PHONE		
9	SOCIAL SEC. NO.	SERVICE SENIORITY CRAFT	FTR - PTR - PTF <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	LEVEL	STEP	DUTY HRS	OFF DAYS SA SU M T W T F
10	JOB#/PAY LOCATION (UNIT/SEC/BR/STA/OFC)	WORK LOCATION ZIP CODE			LIFETIME SECURITY YES <input type="checkbox"/> NO <input type="checkbox"/>	VETERAN YES <input type="checkbox"/> NO <input type="checkbox"/>	

A. *Problem:*

B. *Contract Reference:*

C. *Background:*

D. *Documents:*

E. *Corrective Action:*

F. *Management's Response:*

AMERICAN POSTAL WORKERS UNION, AFL-CIO

Grievant/Union	Nature of Allegation

_____ Date of Request

To: _____ Title: _____

From: _____ Title: _____

Subject: **REQUEST FOR INFORMATION & DOCUMENTS RELATIVE TO
PROCESSING & GRIEVANCE**

We request that the following documents and/or witnesses be made available to us in order to properly identify whether or not a grievance does exist and, if so, their relevancy to the grievance:

NOTE: Article 17, Section 3 requires the Employer to provide for review all documents, files, and other records necessary in processing a grievance. Article 31, Section 2 requires that the Employer make available for inspection by the Unions all relevant information necessary for collective bargaining or the enforcement, administration or interpretation of this Agreement. Under 8a(5) of the National Labor Relations Act it is an Unfair Labor Practice for the Employer to fail to supply relevant information for the purpose of collective bargaining. Grievance processing is an extension of the collective bargaining process.

REQUEST APPROVED

REQUEST DENIED (GIVE REASON)

_____ (date)

_____ (signed)

AMERICAN POSTAL WORKERS UNION, AFL-CIO

1997

STEP 3 GRIEVANCE APPEAL FORM

GRIEVANT—PERSON OR UNION (FROM LINE 8)		WORK LOCATION CITY AND ZIP CODE (FROM LINE 10)		REGIONS GRIEVANCE #	
1	DISCIPLINE (NATURE OF) OR CONTRACT (ISSUE)	CRAFT	DATE OF STEP 2	LOCAL GRIEVANCE #	USPS GRIEVANCE #

THE ABOVE GRIEVANCE IS BEING APPEALED TO STEP 3/DATE _____

REGIONAL DIRECTOR OF
EMPLOYEE & LABOR RELATIONS

Any appeal from an adverse decision in Step 2 shall be in writing to the Regional Director for Employee and Labor Relations, with a copy to the Employer's Step 2 representative, and shall specify the reasons for the appeal. (Within fifteen (15) days)

The appeal is in accordance with Article 15 Grievance Arbitration Procedures Sec. 2 Step 2(h) and Step 3(a) for the following reasons:

and we have attached the Step 2 appeal grievance form, the employer's written Step 2 decision and our corrections and additions to the Step 2 decision if we submitted same to employer's Step 2 representative.

3	FROM: LOCAL UNION (NAME OF)	ADDRESS	CITY	STATE	ZIP
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COPY - LOCAL FILE

COPY - USPS STEP 2 DESIGNEE

SUBMIT UNION'S REGIONAL COPY WITH FILE TO (or as instructed)

NATIONAL BUSINESS AGENT

Sincerely,

Authorized Union Rep.

WITNESS STATEMENT - NAME AND P/L _____

(1) When did it happen? _____

(2) Where did it happen? _____

(3) What did you see? _____

(4) Who was present? _____

(5) What did you hear? _____

(6) Add any other pertinent information here. _____

(use additional paper if necessary)

AMERICAN POSTAL WORKERS UNION, AFL-CIO

APPEAL TO ARBITRATION FROM STEP 2 GRIEVANCE FORM

Grievant – Person or Union

Work Location – City, State and Zip Code

USPS Grievance #

Discipline (Nature of) or Contract (Issue)

Craft

Date of Step 2

APWU Grievance #

TO:

[]

Date: _____

[]

Please be advised that pursuant to Article 15, Section 2(h) of the Collective Bargaining Agreement, the Union hereby is appealing the above-referenced grievance to arbitration. This appeal includes a copy of the Step 2 appeal form, the employer's written Step 2 decision and the union's corrections and additions to the Step 2 decision if submitted.

Check if applicable

The Postal Serviced refused or failed to schedule a Step 2 meeting or render a Step 2 decision within the prescribed time limits and to provide the union a full statement of the Employer's understanding of (1) all relevant facts, (2) the contractual provisions involved, and (3) the detailed reasons for denial of the grievance

Local Union (Name of)

Address

City

State

Zip

COPY – Local File

COPY – USPS Step 2 Designee

SUBMIT UNION'S REGIONAL COPY WITH FILE TO:

NATIONAL BUSINESS AGENT

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Sincerely,

Authorized union Rep.

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