

Chapter

*Anatomy
of a
Properly
Constructed
Grievance*

Exhibit 5.1 Preparation of the Step 1 worksheet

Line 1

Discipline (Nature of) or Contract (Issue) - cite nature of violation or discipline (i.e., Letter of Warning, Suspension or AWOL, Overtime Bypass, Denied Annual Leave)

Craft - Clerk, MVS, Maintenance, Special Delivery

Date - Date grievance occurred

Local grievance # - Your numbering system as determined locally.

Line 2

Unit/Section - Place where violation occurred

Date/Time - Step 1 discussion date

Supervisor - Step 1 supervisor with whom the grievance was discussed

Grievant and/or Steward - names of both (i.e., Jackson/Moyer)

Line 3

This line is for the name and title of the Step 1 supervisor and also the time and date of the Step 1 decision.

In the block marked "Initials", the supervisor is required to initial to verify the date of the decision

Line 4

This line is self evident but *must* be completed in full

AMERICAN POSTAL WORKERS UNION, AFL-CIO 1987 STEP 1 GRIEVANCE OUTLINE WORKSHEET									
①	DISCIPLINE (NATURE OF) OR CONTRACT ISSUE		CRAFT		DATE		LOCAL GRIEVANCE # / STEP GRIEVANCE #		
②	UNIT/SECTION	DATE/TIME	SUSP. REP. - SUPER		GRIEVANT AND/OR STEWARD				
③	STEP 1 DECISION BY NAME & TITLE			DATE & TIME		INITIALS			
④	GRIEVANT PERSON OR UNION CLERK NAME FORM			ADDRESS	CITY	STATE	POSTAL OFFICE (NAME) CITY AND STATE PEOPLE		
⑤	SOCIAL SEC. NO.	SERVICE SENIORITY CRAFT	PERMANENT	LEVEL	STEP	DUTY HOURS	OFF DATE		
⑥	JOB 1 PAY LOCATION UNIT/SECTION/UNIT			JOB 2 LOCATION CITY AND ZIP CODE			OFFICIAL RECORDS (A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z)		
⑦	Notes:								
⑦a	(a) Problem:								
⑦b	(b) Background:								
⑦c	(c) Documents:								
⑦d	(d) Corrective Action:								
⑦e	(e) Management's Response:								

Line 5

Enter all grievant information. If the grievance is a class action, this information is not necessary

Line 6

Job# , Pay Location - See Line 2

Work Location - Installation where grievant is employed

Lifetime security - Has the grievant achieved lifetime security in accordance with Article 6?

Veteran - Is the grievant a preference eligible as outlined in §512 of the Employee and Labor Relations Manual (ELM).

Line 7

Notes: - Cite any and all applicable articles, manual cites, directives etc...

7(a) Problem - Write a short statement of the problem i.e., " The grievant was bypassed for overtime. Junior employee worked."

7(b) Background - The background information based on the investigation you have conducted and the conclusions you have reached. If your background is extensive you may continue it on a separate piece of paper.

7(c) Documents - List any and all documents in the grievance file. This list may be completed on a separate sheet of paper. Notate such in this section.

7(d) Corrective Action - State your requested remedy

7(e) Management's Response - Give an explanation of management's reason for their decision, especially if denied.

Exhibit 5.2 Preparation of the Step 2 appeal form

Complete all information on the Step 2 appeal form, **blocks 1-10**, utilizing the corresponding information from the Step 1 worksheet. It is important to include any and all information available, completing this section in it's entirety whenever possible.

Under **block 11**, cite any and all CBA provisions, handbook and manual cites and/or any written negotiated language which is applicable.

Under **block 12**, the Step 2 statement of facts and contentions should include the Union's position and all established facts in a *thorough* and *concise* manner. In most cases, an arbitrator will limit the Union to facts and contentions raised at Step 2. *Do not include any arguments which you cannot support or prove.*

Block 13: Once again, in most cases, the arbitrator will limit the Union to the remedy requested at Step 2. Be sure to be *clear, accurate* and *thorough*.

AMERICAN POSTAL WORKERS UNION, AFL-CIO				STEP 2 GRIEVANCE APPEAL FORM	
1 DISCIPLINE MATURE OR ON CONTRACT MEMBER				CRaft	DATE
2 TO WHAT STEP 1 DISCIPLINE (NAME & TITLE)		INSTALLATION/REG. COUNCIL		PHONE	
3 FROM LOCAL UNION (NAME & OFF)		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 UNITS/REG. COUNCIL		DATE/TIME	UNION REP. NAME	GRIEVANT ARBITRATOR	
7 STEP 1 DECISION BY (NAME & TITLE)		DATE & TIME		INITIALS	VERIFIED ONLY
8 GRIEVANT (PERSON OR UNION MEMBER)		ADDRESS	CITY	STATE	NAME
9 LOCAL REG. NO.		SERVICE BRANCH	CLASSIFICATION	LEVEL	STEP
10 EMPLOYER LOCATION (UNIT/REG. COUNCIL)		WORK LOCATION	CITY AND ZIP CODE	EMPLOYEE SECURITY	VETERAN
11 Pursuant to Article 13 of the National Agreement we hereby appeal in Step 2 the following Grievance alleging a Violation of (but not limited to) the following: NATIONAL (Art./Sec.) LOCAL (Manual (Art./Sec.) OTHER (MANUAL POLICIES, LHM MINUTES, ETC.)					
12 DETAILED STATEMENT OF FACTS/CONTENTIONS OF THE GRIEVANT					
13 CORRECTIVE ACTION REQUESTED					

Use of attached papers as identified

6-8-84-NLM NO CARBON NECESSARY (UP TO 5 COPIES) SIGNATURE & TITLE OF AUTHORIZED UNION REP.

Anatomy of a properly constructed grievance

This section is intended to give you a step by step checklist for processing a grievance from the time a violation is brought to your attention. At times you will be referred to other chapters/sections of this handbook for further information. Use this chapter as a guide to ensure that your grievances are properly constructed and are prepared for the greatest chance of success.



Meet with the grievant (if there is one) to establish the facts

When a grievant approaches you with a complaint, you should use this initial meeting to establish the basic background fact circumstances. You should ask the grievant the six fact inquiries: WHO, WHAT, WHEN, WHERE, WHY and HOW.

In some cases, the Union is the grievant, such as in a class action grievance. You should then attempt to answer these 6 fact inquiries through your investigation as outlined below in Steps B and C.



Request relevant documents

Request any and all needed documents to establish fact circumstances. Refer to Chapter 4, page 53 for additional information on Requests for Information.



Prepare interview questions/Conduct interviews

Construct a series of interview questions designed to elicit information which will support the Union's position. For additional information on conducting interviews, review Chapter 4, page 58.



Analyze Information

Review all collected evidence to determine if the fact inquires have

been answered. If not, you may need to repeat Steps A-C

E Establish conclusions

By using the collected evidence, establish in a clear and concise manner the Union's position and which specific CBA provisions have been violated.

F Determine an appropriate remedy

Formulate a full and appropriate remedy. Examples of remedies for specific violations can be found in Chapter 6 Issues Most Prevalently Grievied. Also, more information on remedies can be found in Chapter 4, page 61.

G Preparation of the grievance file

Your grievance file should include all documents and evidence you have gathered to support the Union's contentions. These documents should be laid out in the order in which you are presenting your case. Organize your documents and evidence keeping in mind that, should your grievance advance through the grievance procedure, other Union officers or stewards may need to argue the case. They should be able to locate the necessary documents in the file with relative ease so that they are able to effectively present your arguments.

H Preparation of the Step 1 Worksheet

See Exhibit 5.1, page 69, for instructions on completing the Step 1 worksheet.

I Meet with management at Step 1 within 14 days from the date of the violation.

J Appeal adverse Step 1 decision to Step 2 within 10 days from the date you receive your decision at Step 1.

See Exhibit 5.2, page 71, for instructions on completing the Step 2 appeal form

K The Step 2 meeting

Article 15, Section 2, Step 2 (c) & (d) states:

"(c) The installation head or designee will meet with the steward or 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 shall have 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' representative 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 involving 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."

Be sure to raise all of the Union's arguments and exchange all relevant documentation you wish to be included in the grievance file at the Step 2 meeting. Failure to do so will usually result in the Union being barred from raising such arguments at a later time.

L**Corrections and/or Additions**

Article 15, Section 2, Step 2(g) states:

"(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."

Submission of a corrections and/or additions is a method in which the Union can ensure that an issue does not get lost or clouded by inaccurate or incomplete statements in management's written Step 2 decision.

M

Appeal of adverse Step 2 decision to Step 3 within 15 days of receipt of the written Step 2 decision.