

Advocates

Discipline - Due Process

Article 16

Needs

- ✓ The need to look for and argue due process when handling disciplinary cases remains as viable today as in 1971. Locals and advocates must remember to review discipline cases in three stages:
 - 1) procedure
 - 2) merits
 - 3) mitigation or extenuation

- ✓ A good overview of due process is found in **attachment #1** entitled **Due Process**. This booklet is broken down into the following parts:
 - ☞ Introduction
 - ☞ Example tie-ins
 - ☞ Due Process examples
 - ☞ Arbitrator's view of procedural errors
 - ☞ Synopses
 - ☞ AIRS numbers on case law cites

This is a good primer which allows you to quickly find case law support for your arguments. Can also be utilized for teaching purposes.

- ✓ Regional arbitration case by Aisenberg, E90G-4E-D-96006429, which gives Arbitrator's view of what due process requires, see pages 8-10 of attachment #2. He premises these factors with a sentence from a much quoted arbitration which tells us arbitrators will reverse management where "fundamental fairness has not been afforded to the disciplined employee." Good wording for opening or closing statement.