

GOLDEN RULE FOR DOCUMENTING GRIEVANCES

Article 15.2 Step Two (c) of the CBA mandates that the Union fully develop their arguments by Step Two of the grievance procedure.

Opening up a file, and inserting a document, whether it is a witness statement or clock rings, does **NOT** fulfill the requirement of fully developing the position of the union's arguments.

If management signs off at step two that they received the document that does not relieve the Union from the responsibility of making the WRITTEN argument either in the step two appeal, or in the additions and corrections after the step two appeal.

An easy way to remember this concept is:

**A DOCUMENT SUPPORTS AN ARGUMENT,
IT DOES NOT MAKE AN ARGUMENT**

For example:

An employee is accused of leaving his work area without permission and is issued a Letter of Warning. After the letter of warning was issued, another supervisor gives the union a statement that read:

“I instructed the grievant, on that day to leave his/her area to retrieve some mail. She should not be issued a LOW since she was following my instructions.” Signed *Supervisor Smith*, date

The steward takes the signed and dated statement from the supervisor and includes it in the grievance file.

But the steward fails to “argue” that the statement is included and what it means. If management wanted to, they could argue at arbitration that the union never presented their full arguments until the day of arbitration and that it should be considered new evidence.

The statement must be included, but under the “position of the union” the steward must argue in his/her step two written appeal that:

“The LOW is not for just cause. Management has failed to prove that the grievant is guilty of the charge. Management charged the grievant with leaving his/her work area without permission; when in fact, another supervisor instructed the grievant to retrieve mail for the machine. (See Supervisor Smith’s statement listed as Union Exhibit A)

Although this demonstration is an extreme example, the fact remains that if the union does not make a written argument, it can be considered as new evidence if the case is sent to arbitration. Management could argue that simply because a document is exchanged at step two by both parties, it does not mean that the USPS determined it to be relevant simply because they accepted the document.

More common, a steward will open the file and add clock rings but never argue just what these clock rings demonstrate.

For Example: The clock rings demonstrate a volunteer worked overtime outside of their section and a volunteer in the section was available and not used for overtime. The clock rings that demonstrate this should be referred to and specifically argued in writing.

Make sure you explain everything the document demonstrates. For example: Explain the relevance of opn #030. If that is the grievant’s section, you need to include a copy of the LMOU to explain sections. An explanation as to the reason for including the LMOU will also be needed in the written argument.