

**Issue: Abolishment - Improper⁵
Articles 37.1.F., 12.5B and C, 8.4.B⁶**

Documentation	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Duty assignment(s) being abolished	Basis for dispute
History of duty assignment - initial and subsequent postings and awardings	Tells us how long job has been around and who has worked it
Personnel memorandum which shows job being abolished	Establishes when abolishment took place and effective date of action
Applicable excerpts from LMOU	Defines sections for in-house excessing
Written meeting notes between L/M prior to effective date of abolishment	Contractually required. Management should be able to give a legitimate explanation of the need to abolish
Paperwork management relied upon to generate abolishment(s)	Management should have documentation to support their actions. If not, why not?
Written statements from grievant and co-workers on what happened to work from abolished job	If work still exists, be specific as to type and amount of work. Shifting the work to others is not a legitimate basis for abolishment
Steward's written notes from interview with appropriate manager	Ties down management's reasons for action. Also allows union opportunity to investigate and refute management's action
Applicable case law. Remember difference between precedent and persuasive value	Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point

⁵ Geared towards abolishments within installation where we argue work still there.

⁶ Goes to remedy - if job still there, part of remedy would seek out of schedule premium.

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Issue: Leave - Act of God Articles 10 & 19	
Documentation	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Media coverage - newspaper clippings; audio from radio; video from television; press releases from local, county, state or federal authorities dealing with Act of God	Critical documentation which helps to prove criteria met and establish weather conditions, road conditions, transportation, etc.
Regulations for Act of God situations - normally 519 of the ELM. May also have local policy or SOP	Three (3) parts of criteria - 1) must involve a community disaster, 2) must be general rather than personal, 3) must prevent groups of employees from working or reporting to work
<ul style="list-style-type: none"> ☒ Listing of employees scheduled to work during disputed time. ☒ Listing of employees who actually worked during disputed time. ☒ Listing of employees scheduled to work during disputed time but did not. ☒ Specific reason(s) employees did not work. Evaluation by tour and craft.	Many locals have call-in reports. If so and utilized, be sure of accuracy. Also helps to prove part of criteria met and fashion proper remedy.
Statements by employees who did not make it to work establishing they made a diligent effort to do so. Distance from work, type of vehicle.	Fourth part of criteria requires employees to have exercised reasonable diligence in attempting to come to work. Statements help prove this
Time records - ETC reports which specifically show who involved and for how long. Dispatch schedules affected? Mass transportation affected? Was mail delivery curtailed? How have other unions settled this issue?	Goes to proof and remedy. Many times will have more than one (1) day involved. May also have partial day's involved
Applicable case law. Remember difference between precedent and persuasive value	Strengthens case through Step 4s, national arbs or pre-arbs, regular arbs or pre-arbs. Cites must be on point

³Acts such as snowstorm, tornado, and flooding.

Issue: *Advance Sick Leave - Denied*

Articles 10 & 19

Documentation

Explanation

	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Applicable regulations - 513.5 of ELM	Establishes work rule and criteria
Local or District SOPs if generated	Seldom generated. However if done must be in conformity with national regulations
Request for advance sick leave	Required by regulations
Denial of advance sick leave by management	Required. Also allows you to determine if action arbitrary, capricious, in bad faith, or disparate
Grievant's leave record for prior two (2) years - normally 3972s	Tells us sick leave history. Were there any major illnesses or injuries which used up large amounts of sick leave? Helps determine validity of request
Medical documentation	Basis for request for advance of sick leave. Should justify request and tell management grievant will more than likely return to work
Statement by grievant	Should address need, current and prior medical history involving usage of sick leave. Should establish basis for request and likely return to work
Steward's interview with employer representative who denied request	Ties down reasons why management denied request. Also should include how previous requests have been handled. Minimizes management building case later
Previous discipline or AWOL, if any, for grievant	If so, were they related to sick leave usage. If not, strengthens case
Any step increase deferrals, if they exist	If so, were they related to sick leave usage. If not, strengthens case
Restricted sick leave letter(s), if issued	History of prior action or lack of by management. Management should have been aware of ongoing problems or realized not a problem in the past. Possible prior acceptance of usage
All advance sick leave requests and action taken (regardless of craft) for previous two (2) years	Lets us know if grievant treated differently - disparity. Also were rules applied consistently and uniformly? If not, strengthens case
Applicable case law. Remember difference between precedent and persuasive value	Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point

Issue:

AWOL

Articles 10 & 19

Documentation

Explanation

All grievance paperwork	All paperwork developed and utilized in grievance procedure
Applicable regulations (Chapter 5, ELM) including local or district SOPs	Establishes work rule. Local SOPs can not change national regulations. The rule must be known and uniformly and consistently applied
Specific statement from grievant explaining circumstance of alleged AWOL	Tells employee's side of story. Should give arguments on mitigation, extenuation, or denial of charge. Also helps develop the specifics of the case
Steward's interview with supervisor who determined AWOL. Although not discipline, look to "Discipline in General" and "Due Process" for additional considerations	Ties down why the supervisor did what s/he did. Treat as discipline as management must initially prove employee was AWOL. If proven, look toward disparity, mitigation or extenuation
Copy of appropriate time records and 3971(s)	Good evidence on: time involved; players; who did what on disapproval; call-in if applicable; and comments by players
If mitigation or extenuation argued, appropriate proofs such as medical or emergency documentation	If late, proof of why. If power outage, car trouble, medical problems, not allowed to return to work; etc; best evidence available. Effort must be made to get proof
Copy of discipline if tied to AWOL	Disparity, inconsistency, haphazardly issued. Possible overkill
If disparity - copy of grievant's and other employees' 3972(s)	Proves our allegation. Be sure to specifically point out differences
Statements from co-workers/supervisors on what normally happens	Additional proof on disparity. Could also show inconsistency or improper application of work rule
Applicable case law	Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point

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**Issue: Bargaining Unit Work Prohibition
Article 1.6.B**

Documentation	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Name(s) of supervisor or manager who performed work - written witness statements and written steward interviews	Identifies who violated CBA
Type of work performed - witness statements and written steward interviews	Be specific - if more than one type, identify each
Length of time - witness statements, steward interviews, copies of work performed if applicable	Proves violation and allows specific remedy (total amount of monies sought). Do on daily and weekly basis
Applicable bargaining unit job description(s)	Shows work performed part of bargaining unit job duties
Applicable non-bargaining unit job description(s)	Tells what supervisor can and cannot do and under what conditions
Management instructions on what supervisor should be doing regarding bargaining unit work	Verifies supervisor being told to do our work
Statements on when supervisor or manager began to perform bargaining unit work and why	Shuts down in management argument on union sleeping on its rights
PTF clock rings for involved time frame	Allows union to show loss of hours to PTFs
Prior grievance paperwork (if applicable)	Shows repeated violations and management bargaining in bad faith
Management notice on any recent attrition, reversions, or abolishment	Demonstrates improper transferring of work
Applicable case law. Remember difference between precedent and persuasive value	Strengthens case through Step 4s., national arbitrations or pre-arbs. regional arbitrations or pre-arbs. Cites must be on point

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**Issue: Casuals In lieu Of
Article 7.1.B**

Documentation	Explanation
All grievance paperwork	All paperwork, developed and utilized in grievance procedure
Chronology of events - time line	Done by union rep - specifically establishes period of time casuals used in lieu
ETC - report → time records, ongoing for life of grievance	Shows hours, days, and months casuals utilized
Pay charts of involved employees	Tells us what casuals and career workforce were making during appropriate time. Allows for specific remedy
Seniority list of clerical employees	Demonstrates career work force during appropriate period
Clerk complement - before and during violation	Report gives us specific numbers. Also may show deliberate action by management to reduce career work force
Written joint stipulation or written witness(es) statement(s) on work casuals performing	Ties down exact work casuals are performing. Offsets possible argument by management that work in question not clerical
Personnel memoranda or similar document(s) showing hiring and releasing of casuals	Helps establish actual numbers of casuals and duration of their employment
Management notice on any recent attrition, reversions, or abolishments	Demonstrates improper transferring of work
Prior grievance paperwork (if applicable)	Shows repeated violations and management bargaining in bad faith
Applicable case law. Remember difference between precedent and persuasive value	Strengthens case through Step 4s, national arbs or pre-arbs, regular arbs or pre-arbs. Cites must be on point

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Issue Casuals To The Detriment

Article 7.1.B.2

Documentation	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Specific listing of involved employees - PTFs and casuals	Normally found as crew sheets or schedule for the week. If not make listing and back up with documentation such as personnel memos or Form 50s
Hours worked on a daily and weekly basis by PTFs and casuals, normally ETC reports	Should be charted to make a more concise proof. Also may show violation on daily and weekly basis. Time records normally best proof. Be sure to make comparisons and give totals
Work performed, when and where	Normally done through witness(es) statements and time records. Needed elements to prove violation
If necessary, qualifications of PTFs	Need to prove PTFs qualified to do work performed by casuals
If available, work schedules for PTFs and casuals	May show management improperly scheduled for the week or weeks in question. Sometimes offsets management argument of inadvertently done
Applicable case law. Remember difference between precedent and persuasive value	Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point

Issue: Consecutive Days Off

Article 8.2

Documentation	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Copy of duty assignment(s) posting	This would show the triggering event of management posting or reposing a job with split days off
If reposing, copy of original duty assignment posting	Shows history of job. Also shows job had consecutive days off for a period of time
Dictionary definition of the words practical and practicable	CBA requires "practicable" - capable of being done. Strong requirement when argued properly. Major difference between words "practical" and "practicable"
Interview notes which tell us deciding official's specific reason for splitting off-days	Critical to tie down specific reasons as soon as possible. Also request management's supporting documentation. What changed operationally?
Documentation from management which allegedly justifies action	Management proofs. Allows you to check out and determine validity
Paperwork from Union which shows consecutive days off practicable for job(s) in dispute	Our burden to carry. Available work hours by day, current and past crew sheets (work schedules) for concerned area, and if necessary a favorable hypothetical work schedule which shows consecutive days off
Applicable case law. Remember difference between precedent and persuasive value	All paperwork developed and utilized in grievance procedure. Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point

Article 7.2B & C

Documentation

Explanation

<p>All grievance paperwork</p>	<p>All paperwork developed and utilized in grievance procedure</p>
<p>Work schedule, clock rings (ETC), or other documentation showing cross craft assignment(s)</p>	<p>Proves cross craft assignment occurred. First step in proving violation is remembering four (4) part criteria: 1) same wage level 2) qualified 3) exceptionally heavy work load periods 4) light work load period</p>
<p>Witness(es) statement which tells us what happened on given day or days involving cross craft assignment(s)</p>	<p>Helps validate union contentions and brings specifics to the front. Possible witness if case goes to arbitration</p>
<p>Interview with appropriate supervisor or manager on why they assigned across craft lines</p>	<p>Ties down management's reason(s) for doing so. Stops building of management's case at later date. Union should ask if criteria of 7.2.B & C met and carefully write down response</p>
<p>Documents which show who scheduled and who worked - be sure to include all types of leave taken</p>	<p>Tells us if management had normal compliment or short handed</p>
<p>Volume reports which show heavy or light day</p>	<p>Remember Article 7.2.C says "exceptionally heavy work load periods"</p>
<p>Overtime records for both involved crafts, normally will be carrier to clerk</p>	<p>Be sure documentation ties to area left and place reassigned to</p>
<p>Applicable case law. Remember difference between precedent and persuasive value</p>	<p>Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point</p>

Issue: Discipline In General Article 16	
Documentation	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Copy of issued discipline - if redone or revised copy of original	Basis of dispute
Request (recommendation) for discipline	Gives original thinking of boss. On many forms sets forth other due process considerations. Sometimes includes review and concurrence
Company rules (Local Policy) applicable to case	Allows you to determine if prior rule exists. May establish known rule or practice
Written witness statements. Ensure witnesses sign and date statements. Should include written interview with issuing supervisor	Ties down reason for action. Also minimizes management expanding case later
Fact-finding (pre-disciplinary interview) notes - both steward's and supervisor's	Required part of due process. Shows employee given opportunity to tell their side of the story
Prior elements of discipline. Include all, even if no longer a live record	Allows you to determine progression. Establishes disciplinary history. Minimizes impeachment of grievant who may not recall all discipline.
Documents related to discipline, for example, 3971s; 3972s; Postal Inspector's - Investigative Memo; time records; CA-1 or 2; driving record; police record;	Gives you complete picture and helps minimize surprises. Make sure your copy is the same as the original
Develop written time line (chronology of events)	Gives clearer picture of case. Establishes flow. Alerts you to any timeliness problems. May point out inconsistencies
Develop list of witnesses and their role in case including their full name and telephone number	Helps ensure complete picture. Alerts you to possible interviews. Should tell you who is going to help or hurt
Applicable case law. Remember difference between precedent and persuasive value	Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point

**Issue: Discipline - Due Process
Article 16**

Documentation	Explanation
<p>"Request for Disciplinary Action Form," sometimes called D-2 or P-2, normally submitted to Labor Relations by supervisor</p>	<p>This form asks many of the procedural questions found in the EL-921. It tells us if employee was interviewed, prior elements of discipline, forewarning, triggering incident, and may include review and concurrence signature</p>
<p>Pre-disciplinary meeting (sometimes called fact-finding, due process meeting or Pre-Disciplinary Interview) notes from both steward and supervisor</p>	<p>Ensures one took place. Helps determine if management did meaningful investigation and gave employee opportunity to tell their version of what happened prior to "Request for Discipline". Copy of notes from both parties helps maintain accuracy</p>
<p>Disciplinary paperwork. This document or the Request for Discipline Form should have the concurring official's signature</p>	<p>Allows you to thoroughly review the discipline to be sure its: timely; has specific charge(s); cites known rule(s) which is consistently and uniformly applied; is accurate regarding dates, events, and charges; 16.8 requirements met</p>
<p>Request for information form from steward prior to submission and after received back from management</p>	<p>APWU form utilized in disciplinary cases. Be sure to ask for anything and everything management relied upon to issue discipline. This keeps management from changing case</p>
<p>Written statement from anyone involved in discipline, would include grievant and issuing supervisor</p>	<p>Establishes facts and contentions while still fresh</p>
<p>Steward's notes from interview with issuing supervisor which explains in great detail why the supervisor did what s/he did</p>	<p>Should freeze management's case. Also lets us know if grievant interviewed and how, type of investigation done, who concurred, were the charges clear and proven</p>

² Every discipline case should initially be checked for procedural efforts.

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