

DISCIPLINARY GRIEVANCE FACT SHEET

A steward needs to thoroughly prepare any grievance, as details that are overlooked can possibly result in losing the grievance. This Grievance Fact Sheet helps the steward to gather information and determine if a complaint merits a grievance; if so, the fact sheet will help build a strong case.

The Fact Sheet is not the same as the Official Grievance Form. The Fact Sheet is used solely by the union and should not be given to management.

It is important to gather accurate information when filling out any part of the Fact Sheet, including the grievant section at the top, because it may end up having a bearing on the case, especially if more than one worker is affected by the issue. The main body of the Fact Sheet helps you discover the facts of the case and describe any grievance that may exist.

Description of the Grievance

- **WHAT HAPPENED? (+ WHY/HOW)**
Describe the incident(s) and any events that gave rise to it, with as much detail as possible.
- **WHO WAS INVOLVED?**
Get the names and titles of supervisors and any witnesses.
- **WHEN & WHERE DID IT OCCUR?**
Get the date(s), time(s), and corresponding location(s) where the incident(s) took place.

The answers to the above questions should be detailed enough to paint a picture of the incident for someone who was not present.

Review Just Cause Elements *(see last page for notetaking)*

HAS MANAGEMENT MET ITS "JUST CAUSE" RESPONSIBILITY?

Use the elements of just cause below to help determine if management's discipline was fair:

Forewarning: Was the employee adequately warned of the rules and consequences of their conduct? Should the employee have known that the behavior could result in disciplinary action?

Reasonable Rule/Order: Is the employer's rule or order reasonably related to its organizational needs and efficient and safe operations on the job?

Thorough Investigation: Has a thorough investigation of the facts and circumstances been conducted, including the employee's explanation/evidence, prior to administering discipline?

Fair Investigation: Was the investigation conducted in a fair and objective manner, without discrimination or pre-determination?

Substantial Evidence: Did the investigation produce substantial evidence of proof of guilt or responsibility?

Consistency: Are the rules, orders, and penalties applied consistently, evenhandedly, and without discrimination, to this and other employees, both presently and in the past?

Reasonable Discipline: Is the penalty reasonable considering the seriousness of the offense, any mitigating circumstances, and the employee's record (i.e., discipline should be progressive and begin at a lower level wherever reasonable).

Statement of the Violation

- WHY IS THIS A GRIEVANCE; WHAT PART(S) OF THE CONTRACT IS MANAGEMENT VIOLATING?

The key words here are *management violation*. The contract defines a grievance as an allegation that there has been a "violation, misapplication, or misinterpretation" of the Agreement.

The grievance may encompass more than one violation. Be specific by listing Article and Section, but also broad in your inclusion of articles which may apply; you can narrow it down after learning more.

Remedy

- WHAT SPECIFIC REMEDY IS REQUIRED?

Describe what management must do to correct the problem. You should work with the grievant to develop a non-punitive remedy that would satisfactorily resolve the problem.

After Completing the Fact Sheet

- Carefully review the contents with the grievant and have him/her sign it. If there was a question that you could not answer, make a note of where you can find the answer.
- A steward should keep a file for each grievance. This file should contain a copy of the fact sheet, a copy of the grievance form at each step of the process, and any communication that you receive from management about the grievance.



GRIEVANCE FACT SHEET: Disciplinary

WFSE Updated 03/26

This form is to be used by the steward to aid in investigating a grievance and acquire the information that will be necessary to develop a strong case. Use additional numbered pages to document all the details

If, after investigation, the steward determines that the grievance has no merit, they will consult with a union staff representative to determine next steps; if applicable, the grievant will be issued a "no-merit" letter and provided a copy of the C28 Grievance Policy to advise them of their appeal rights.

DO NOT TURN THIS FORM IN TO MANAGEMENT. THIS INFORMATION IS FOR UNION USE ONLY.

GRIEVANT _____ AGENCY/HIGHER ED INSTITUTION _____

CLASSIFICATION _____ SUPERVISOR _____

APPOINTING AUTHORITY _____

WORK LOCATION _____ HOURS OF WORK _____ DAYS OFF _____

What Happened? Also describe incidents, which gave rise to the grievance _____

Who was involved? Give names and titles (include witnesses) _____

When did it occur? Give day, time, date(s) _____

Deadline to File Grievance: _____

Where did it occur? Specific locations _____

What is management violating? Contract, other: _____

Is a job action or other response appropriate? _____

What specific remedy is required? What must management do to correct the problem? _____

Additional comments. Use additional sheets. Number of additional sheets: _____

Personnel file reviewed: Yes No

Does this Grievance have merit? Yes If Yes: Grv # _____ No (If no, explain why)

Status of grievance: Date Filed: _____; Step1: _____; Step2: _____; Step3: _____; Pre-arb? No Yes; Arb: _____

Mediation: Yes No _____; **Alternate Dispute Resolution:** Yes No _____; **Grievance Resumption:** _____

Date Grievance Resolved: _____

GRIEVANT'S SIGNATURE _____ DATE _____

GRIEVANT'S HOME ADDRESS _____

Home Ph.: _____ Work Ph.: _____ CELL _____ E-Mail: _____

STEWARD NAME & SIGNATURE _____ DATE _____

STEWARD'S HOME ADDRESS _____

Home Ph.: _____ Work Ph.: _____ CELL _____ E-Mail: _____

Elements of Just Cause

FOREWARNING

Yes

No

REASONABLE RULE/ORDER

Yes

No

THOROUGH INVESTIGATION

Yes

No

FAIR INVESTIGATION

Yes

No

SUBSTANTIAL EVIDENCE

Yes

No

CONSISTENCY

Yes

No

REASONABLE DISCIPLINE

Yes

No

JUST CAUSE ELEMENTS

These elements may have different titles/names depending on the source, but the underlying principles are the same. Make note here of any information which is relevant in determining the merit of the disciplinary grievance:

- 1. Forewarning/Notice:** *Was the employee adequately warned of the consequences of their conduct? Should the employee have known that the behavior could result in disciplinary action? In many cases, actual communication of the rules, and possible penalties, must be communicated in advance.*

- 2. Reasonable Rule/Order:** *Is the employer's rule or order reasonably related to its organizational needs and efficient and safe operations on the job?*

- 3. Thorough Investigation:** *Has a thorough investigation of the facts and circumstances been conducted, including the employee's explanation/evidence, prior to administering discipline?*

- 4. Fair Investigation:** *Was the investigation conducted in a fair and objective manner, without discrimination or pre-determination?*

- 5. Substantial Evidence:** *Did the investigation produce substantial evidence of proof of guilt or responsibility?*

- 6. Consistency:** *Are the rules, orders, and penalties applied consistently, evenhandedly, and without discrimination, to this and other employees, both presently and in the past?*

- 7. Reasonable Discipline:** *Is the penalty reasonable considering the seriousness of the offense, any mitigating circumstances, and the employee's record (i.e., discipline should be progressive and begin at a lower level wherever reasonable).*