

DISCIPLINE (ARTICLE 16) GRIEVANCE CHECKLIST

CITE: Article 16.1 (just cause) and then other appropriate Sections as applicable. Article 19 should be included in all cases of discipline since conduct is covered in various Handbooks and Manuals. Article 2 should be included only when you can prove disparate/discriminatory treatment under similar circumstances. Arbitration decisions are useful only in determining a common level of discipline and the effect of common procedural errors. CIM. EL 921 Supervisor's Guide to Handling Grievances

CORRECTIVE ACTION Make employee whole in all respects, rescind the discipline, expunge it from all files, and order that the discipline not be cited in any future actions against the employee.

1. Always begin your investigation immediately, even if the employee is removed from the premises or the level of discipline has not yet been decided.
2. Make sure all employees are aware you are available to assist in investigative interviews but that s/he must request that you be present. During interviews take notes, call time outs and object to or ask clarification on improper questions. Weingarten
3. Interview everyone involved and anyone around the area of the incident including the supervisor (and take notes to include when beneficial)
4. Request a complete copy of the supervisor's Request for Disciplinary Action package, including Investigative Memorandum (IM, from Inspection Service) or Report of Investigation (ROI) from the Office of the Inspector General.
5. Request comparison data, including level of discipline, on persons (including supervisors) you suspect have committed similar offenses. Be prepared for management objections if you try to include prior settlements that state they are non-citable and non-precedent setting.
6. Verify concurrence is signed and dated. Include concurrence letter/document in file. Include copy of current discipline letter. Request TACS reports for issuing and concurring manager.
7. Request copies of all grievant's prior discipline that was cited and any settlement related to them.
8. Witness statements should be:
 - a. AFFIRMATIVE - "I saw ... , I heard ... " not "I didn't see ..., I didn't hear ... "

b. SPECIFIC - "On 12/20/92 at approximately 0113 hours, I was standing twenty Feet from the exit in 010 when ... "

c. IN THE WITNESS' OWN WORDS AFTER CONSULTATION WITH THE STEWARD.

9. Never settle prior to Step Two without the grievant's approval.

10. Veterans can also file an MSPB appeal but must pick one forum over the other prior to the Union's appeal to arbitration. Do not withdraw their grievance without their written request.

REVIEW DEFENSE V. DISCIPLINE FOR FULL RANGE OF ACTIONS TO TAKE IN YOUR DEFENSE OF THE GRIEVANT. Go to www.npmhu308.org /steward's resources

MHA SPECIFIC DISCIPLINE GRIEVANCE CHECKLIST

CITE: Cite MOU MHA Employees Article 15 pages 130 and 131 in addition to the above.

11. Request and obtain evidence of MHA initial appointment date (Form 50, appointment letter, etc.) to determine eligibility. If less than 120 days employed, obtain copies of daily work record (ETC daily clock rings, work schedules, etc.) to provide evidence employee has worked more than 90 days.