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or

Your District Labor Relations Office



# Preface

The Postal Service, working in conjunction with the national unions, strives to continuously improve the labor-management climate by fostering better communication, greater trust, and improved working relationships at all levels of the organization.

The four largest unions in the Postal Service are the:

- National Association of Letter Carriers (NALC);
- American Postal Workers Union (APWU);
- National Rural Letter Carriers' Association (NRLCA); and
- National Postal Mail Handlers Union (NPMHU).

Handbook EL-921, *Supervisor's Guide to Handling Grievances*, is a Labor Relations initiative to help field supervisors become familiar with the Postal Service's grievance procedures.

The material in this booklet is intended to serve only as broad guidelines and should not be cited as the authority. It is provided to assist in handling grievances, disciplinary actions and other contractual matters. The guidelines are not

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requirements that must be strictly complied with or blindly followed and no employee rights or management obligations are established by this guidance. Refer to the appropriate source document (e.g., Article 15 of the collective bargaining agreements, contract administration manuals) as the authoritative reference when referencing contractual requirements.

There are multiple steps in the grievance process:

- Step 1/Informal Step A;
- Step 2/Formal Step A;
- Step 3/Step B;
- Step 4/Interpretive Step; and
- Arbitration.

This guide focuses on Step 1/Informal Step A and Step 2/Formal Step A processes. For information about the other steps in the grievance process, refer to:

- Article 15 of the National Agreements;
- The joint contract administration manuals, where appropriate; and
- Your District Labor Relations office.

This guide **does not** provide information or advice for managers on how to resolve specific grievances.

Sound decisions on grievances and corrective discipline require an understanding of the facts and circumstances as well as an understanding of the process. As a Postal Service supervisor, you are encouraged to read and understand the applicable contracts that cover your employees and your facility. Never assume anything—know the facts and seek advice when questions arise concerning how to resolve contractual issues and apply appropriate remedies when a contractual violation is established.

By working out problems before they become grievances and by resolving grievances at the lowest possible step, you can make an important contribution to the overall improvement of labor-management relations that will favorably impact all facets of our organization.

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# Joint Contract Manuals

The Postal Service worked closely with three of our unions to develop joint manuals on contract application:

1. The Joint Contract Administration Manual (JCAM) with the NALC;
2. The Joint Contract Interpretation Manual (JCIM) with the APWU; and
3. The Contract Interpretation Manual (CIM) with the NPMHU.

These contract administration manuals reflect mutual agreements on the interpretation of significant portions of the respective national agreements. They are to be used as a management and union reference when dealing with grievances at all levels of the grievance procedure. Their use will help:

1. Resolve most disputes in the initial grievance steps based upon nationally agreed contract interpretations; and
2. Avoid disputes when used to make decisions (e.g., scheduled overtime).

The JCAM, JCIM and CIM are available in two formats, printed and online, and are expected to be routinely used by field personnel.

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# Requests for Information

NALC, NPMHU, and APWU Article 31.3, NRLCA Article 31.2 states in part:

“The employer will make available for inspection by the union all relevant information necessary for ... the enforcement, administration or interpretation of this Agreement...”

“...the employer may require the union to reimburse the USPS for any costs reasonably incurred...”

(see current version of the Administrative Support Manual (ASM) for allowable fees).

If the Request for Information (RFI) is for a local matter, it should be handled at the local level. However, if the RFI is not for a purely local matter, it should be handled by the parties at the national or headquarters level. Contact your District Labor Relations office for clarification if you receive a RFI that you believe to be other than a local matter.

Article 31.3/31.2 means the following:

- The union has a right to ask the supervisor for information directly relating to the handling of a grievance or potential grievance. Generally, you must provide the union with the

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information that is requested if it is relevant.<sup>1</sup> The union must have a reason for seeking the information—they cannot conduct a “fishing expedition” into Postal Service records.

- You must respond and provide the relevant information in a timely manner. If there is a delay, provide the union with written notice indicating when they can expect the information will be provided.
- Make copies and keep the originals of any information provided to the union.
- All supervisors and managers must cooperate with a union request to interview a supervisor or manager, where relevant.
- Failure to provide relevant information can result in serious consequences and negative outcomes.
- When in doubt, contact your District Labor Relations office.

1. There are limited exceptions to the union's right to information (e.g., certain contracting information that is of a proprietary nature, some injury compensation records).

# Grievance Basics

## Grievance Overview

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The collective bargaining agreements address wages, hours of work, overtime, and other terms and conditions of employment for bargaining unit employees. Parts of some handbooks, manuals, and published regulations also contain material that directly relates to wages, hours, or working conditions of bargaining unit employees. Material in handbooks, manuals, and published regulations cannot contain anything that conflicts with the Agreements.

As management conducts its business, there is always the possibility that an employee and/or the unions may believe that a violation of their respective Agreement has occurred. While problems are best resolved before they become grievances, supervisors must know how to handle grievances quickly and correctly when they do arise. Due process rights, time limits, and union rights are a few examples of contractual requirements that a supervisor may violate if he or she is unfamiliar with the grievance process.

### Grievance Handling

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Employees and/or the unions have the right to file grievances if they believe the collective bargaining agreement has been violated. You must be in a position to respond properly should a grievance arise. To do so, use the following guidelines in handling grievances:

- Know the grievance procedure for the specific union involved.
- Take each grievance seriously.
- Investigate the grievance looking for relevant facts. Find out the *who, what, when, where, why and how*.
- Ensure time limits and procedural requirements have been observed. Extensions may be achieved through mutual consent of both parties, as explained in *Time Limits*, pg. 8.
- Make sure the employee and/or the union has:
  - Presented the full story;
  - Identified and explained the exact nature of the alleged violation (including specific contract, manual and/or handbook provisions); and
  - Stated the precise remedy that is sought.

- Do not interrupt.
- Do not be argumentative or adversarial.
- Fully document the grievance discussion, including any evidence and/or documents provided by the union.
- Use the following forms to document grievance meetings:
  - PS Form 2608, *Grievance Summary – Step 1*, or PS Form 2609, *Grievance Summary – Step 2*, for APWU and NPMHU;
  - PS Form 8190, *USPS-NALC Joint Step A Grievance Form*, for NALC; or
  - PS Form 8191, *USPS-NRLCA Joint Step 1 Grievance Form*, for NRLCA.
- Settlement attempts should be explored at each level in the grievance process (see section on settlements, pg.16).
- Be fair and reasonable.
- If you do not have the answer, advise the union steward or representative that you will get back to him or her and then seek assistance (from higher-level management when appropriate) in developing a response.
- Use resources including District Labor Relations Specialists, the National

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Agreement, the appropriate contract application manuals, and relevant handbooks, manuals, or published regulations. A list of some key handbooks and manuals is included at the end of this guide.

### Time Limits

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The time limit for each step of the grievance process is the maximum amount of time to be used, not the length of time you are expected to take to reach your decision. You should expedite your decision, but not at the expense of sound judgment.

Time limits are an integral part of the grievance process and must be taken seriously. If you fail to meet a time limit, the union has the right to appeal the grievance to the next step without your input. Conversely, if the union fails to meet a time limit, you are still required to schedule and meet with the union. It is important that you document the untimeliness of the union in the grievance file and record any explanation the union gives for being untimely.

Time limits vary by union and step of the grievance process. These limits can be extended by mutual agreement, meaning that



both parties must agree to the extension. If an extension is agreed to it should be specific, documented, and included in the grievance file. Extensions should only be requested and/or agreed to when necessary.

### **APWU and NPMHU**

#### ■ Step 1

- The employee and/or union have up to **14 days** to file a grievance from the date the employee or the union first learns of, or is reasonably expected to learn of, the alleged violation.
- Once the grievance has been filed, the immediate supervisor and the employee and/or union meet to discuss the grievance and possible settlement.
- The supervisor has up to **5 days** to provide the union with a verbal decision.

#### ■ Step 2

- The union has **10 days** to appeal a Step 1 decision to Step 2.
- After the appeal is received, the installation head or Step 2 designee has **7 days** to schedule and meet with the union.

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- At the meeting, both parties are required to make a full and detailed statement of facts and contractual provisions relied upon and remedy sought.
- If the parties are unable to settle the grievance, the installation head or Step 2 designee has **10 days** to provide a written decision.
- The union has **10 days** after receipt of management's Step 2 decision to add written additions and corrections.

### NALC

#### ■ Informal Step A

- The employee and/or the union have up to **14 days** to file a grievance from the date the employee or the union first learns of, or is reasonably expected to learn of, the alleged violation.
- Once the grievance has been filed, the immediate supervisor and the employee and/or union meet to discuss the grievance and possible resolution.
- The supervisor is required to render a verbal decision at the meeting, unless the parties agree to any extension.

### ■ Formal Step A

- The union has **7 days** to appeal an Informal Step A decision to Formal Step A.
- After the appeal is received, the installation head or Formal Step A designee has **7 days** to schedule and meet with the union.
- At the meeting, both parties are required to make a full and detailed statement of the facts and contractual provisions relied upon and the remedy sought.
- The Formal Step A decision is required to be made the day of the meeting, unless the parties agree to an extension.
- If the parties are unable to resolve the grievance, the union can submit written additions and corrections to the Formal Step A record with the appeal to Step B. A copy of the additions and corrections must be sent to the management Formal Step A designee.
- Management's Formal Step A designee may respond to the unions additions and corrections by sending additional information directly related to the additions and corrections to the Step B team, provided that it is received prior to

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the Step B decision. A copy of the response must be sent to the unions Formal Step A representative.

### NRLCA

#### ■ Step 1

- The employee and/or the union have up to **14 days** to file a grievance from the date the employee or the union first learns of, or is reasonably expected to learn of, the alleged violation.
- Once the grievance has been filed, the immediate supervisor and the employee and/or union meet to discuss the grievance.
- If the supervisor and the employee and/or union are unable to resolve the grievance, the installation head or designee and steward or union representative will meet as **expeditiously as possible** to discuss the grievance.
- If the parties are unable to settle the grievance, the installation head or designee has **10 days** to provide the union with a decision.

### ■ Step 2

- The union has **7 days** to appeal a Step 1 decision to the district manager, Human Resources.
- After the appeal is received, the employer's Step 2 designee has **10 days** to schedule and meet with the union.
- If the parties are unable to settle the grievance, the Step 2 designee has **7 days** to provide a written decision.

## Information Sharing and Documentation

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Both the unions and Postal Service are required to develop the facts and exchange all documents relevant to the grievance. Neither party should withhold relevant documents with the expectation that they can be added to the grievance file at a later time. Relevant information could include any official records, statements, or previous disciplinary actions that are related to the grievance issue.

Generally, the union bears the burden of proof in grievances regarding alleged contractual violations. However, the Postal Service is still responsible to defend its position, and the best

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support is through documentation that establishes that the collective bargaining agreement was not violated.

Typically, the Postal Service bears the burden of proof in grievances regarding disciplinary actions. The gathering of documentation should begin before the discipline is initiated. You must be able to explain, verbally and/or through appropriate documentation, why the action taken was for just cause. The “Principles of Just Cause” are explained in the Discipline section of this guide.

### Grievance File

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It is important that a good grievance file is created beginning with the first step in the process—Step 1/Informal Step A. The parties handling the Step 1/Informal Step A are expected to start the creation of this file (each side maintains its own file). At a minimum, the file should include the appropriate grievance form, documentation to support the Postal Service's position, and any documents the union provides to support its position.

The NRLCA contract requires that the parties create a joint grievance file at Step 1 between the installation head or designee and steward or union representative. This file should include:

- PS Form 8191, *USPS-NRLCA Joint Step 1 Grievance Form*;
- Full, detailed statement of undisputed facts;
- Full, detailed statements from management and the union of any disputed facts;
- Contentions of the parties;
- Contractual provisions involved;
- Any written statements from witnesses or other individuals;
- Copies of all relevant papers or documents; and
- Remedy sought.

## Grievance Forms

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The grievance form used depends on the union involved as follows:

- The NALC uses a joint form as a single source of information and grievance tracking, PS Form 8190, *USPS-NALC Joint Step A Grievance Form*.

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- We do not use a joint form with the APWU and NPMHU. Instead, the following forms should be completed by management and are to be included as part of the grievance file:
  - Step 1: PS Form 2608, *Grievance Summary – Step 1*.
  - Step 2: PS Form 2609, *Grievance Summary – Step 2*.
- The NRLCA uses a joint form as a single source of information and grievance tracking, PS Form 8191, *USPS-NRLCA Joint Step 1 Grievance Form*. This form is included as part of the joint grievance file throughout the grievance process.

Each form contains instructions on how to complete it. They may be completed either by computer or by hand as long as the handwriting is legible. These forms can be found on the Postal Forms website: <http://blue.usps.gov/formmgmt/forms.htm>.

## Settlements, Remedies, and Setting Precedent

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It is expected that attempts to settle grievances will be made at the lowest possible step of the grievance process. Each grievance should be



reviewed and settlement decisions should be made based on the facts presented and developed by the parties. **Please note that a settlement does not necessarily mean that management admits faults or provides some type of remedy.** When appropriate, the parties can settle a case by simply closing the case or agreeing that a violation was not established.

Management representatives have the authority to resolve grievances, but with that authority comes the responsibility to:

- Ensure settlements are consistent with the National Agreement and relevant handbooks, manuals, and published regulations;
- Determine the appropriate contractual remedy if a violation is established;
- Understand the steps necessary for settlement implementation, when appropriate;
- Understand the processes and activities involved for other functional areas (as explained below); and
- Ensure that all settlements are in compliance with postal rules and regulations and consistent with the law, including Internal Revenue Service (IRS) tax regulations.

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It is extremely difficult to reverse or correct errors made in settlements and some agreements might affect other proceedings (e.g., Equal Employment Opportunity (EEO), Merit Systems Protection Board (MSPB)).

Therefore, it is critical that management representatives thoroughly understand the commitment(s) it makes in each settlement.

Below are several settlement guidelines that all management representatives involved in grievance processing should be aware of:

- Relevant provisions of handbooks and manuals should be checked before agreeing to settlements. Ensure regulations are current.
- Pay remedies may be appropriate in certain circumstances. However, this type of remedy should be reasonably related to any harm done to the employee/grievant (e.g. wages and benefits lost or expenses incurred). Financial remedies which exceed these costs or otherwise provide for “punitive” damages should be avoided. Management representatives dealing with class action payment should review the proposed payees to ensure that all payees fall within the class before finalizing an agreement.

- The Eagan Accounting Service Center (ASC) needs a minimum of four pay periods from receipt of a back pay/pay remedy request to process back pay requests for the prior three years. If the back pay includes interest payments, the time frame increases to five pay periods. Because of the complexity of paying back pay for a period more than three years ago, several more pay periods are required to process these requests.
- Settlements for compensation should never indicate that payments are to be sent to the union for further distribution to employees. Rather, a list of employees to be paid should be submitted through normal procedures (e.g., Grievance Arbitration Tracking System (GATS)).
- Payments made through GATS are considered to be wage compensation and are subject to all normal payroll withholding. Employee Claims are not to be paid through GATS.
- Granting “a day of Administrative Leave to be used in the future” is inappropriate, and creates issues regarding authority and accountability.

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- All officials should be aware of reporting requirements in cases when settlements involve substantial liability. Make sure a significant potential liability is reported through the appropriate channels.

Generally, setting precedent in a grievance decision means that the settlement agreement becomes an enforceable rule. Grievances settled at Step 1/Informal Step A cannot be precedent setting for any purpose and should not be stated as such. Grievances settled at Step 2/Formal Step A are not precedent setting unless specific language is incorporated into the settlement. Supervisors should discuss with District Labor Relations before making such an agreement. A grievance resolved at Step B “establishes precedent only in the installation from which the grievance arose.” The meaning of precedent for Step B decisions is further explained in the JCAM, Article 15.

## Grievance Arbitration Tracking System

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The Grievance Arbitration Tracking System (GATS) is a Postal Service system that provides for the tracking of grievances and grievance payouts. Depending on your role in the grievance process, you might be required to use

GATS. If you have any questions on access or your role in GATS, contact your District Labor Relations office.

- Step 1/Informal Step A grievances:
  - Only enter in GATS when there is a monetary settlement.
- Step 2/Formal Step A grievances:
  - Every Step 2/Formal Step A appeal must be entered in GATS, which will generate a grievance tracking number. The number should be included in the grievance file and provided to the union within 72 hours of receipt of the appeal.
  - The GATS number should be included on all decisions.
  - All decisions should be entered in GATS.

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# Discipline

## Basic Considerations

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The first step in any discipline grievance is the discipline itself. As the issuing supervisor, it is imperative that you understand the discipline process.

Management can only accomplish its mission through the effective management of people. How successful we are in working with people will determine, to a great measure, whether the overall goals of the Postal Service are attained. Getting the job done through people is not an easy task. As a supervisor, you have responsibilities toward your employees, including:

- Let your employees know what is expected of them.
- If an employee is not meeting expectations, talk to him or her and gather documentation.
- Before formalizing discipline, let the employee explain—and listen! Get the whole story.

Employee responsibilities under our collective bargaining agreements include, but are not limited to:

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- Working safely;
- Reporting for work regularly and as scheduled;
- Cooperating with fellow employees and superiors;
- Performing quality work; and
- Following rules, orders, and directions.

### Weingarten Rule: Investigatory Interview

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The Weingarten rule affords each employee the right to representation during any investigatory interview which the employee reasonably believes may lead to discipline. Under the Weingarten rule, you must allow each employee the following rights when conducting an investigatory interview:

1. *Each employee has a right to be represented by a union steward during an investigatory interview (but not during an Article 16 "discussion").* If, before or at any time during the interview, an employee requests a union steward or in any other way indicates that he or she wants representation, you must do one of three things:
  - a. You must provide a steward;
  - b. You must end the interview; or



- c. You must offer the employee the choice of:
- (1) Continuing the interview without a steward, or
  - (2) Having no interview at all and therefore losing the benefit that the interview might have given to him or her.

When in doubt, it is better to provide a steward or contact your District Labor Relations office immediately.

2. *The supervisor must tell the employee and steward the purpose and subject of the meeting before the meeting begins.* Then, if either the steward or the employee requests, adequate time must be given to them to talk privately before, or during, the interview.
3. *During the interview, you must permit the steward to participate.* He or she may ask questions, clarify the employee's answers, comment about the questions, discuss favorable facts, suggest others who have information, and advise the employee. The steward is not allowed to disrupt the meeting or tell the employee not to answer a question. If that happens, postpone the remainder of the meeting and consult your manager or District Labor Relations office immediately.

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4. *You may begin the interview, if appropriate, by saying the following:*
- a. You are going to be asked a number of specific questions concerning (specify the issue causing the interview);
  - b. You are subject to disciplinary action if you refuse to answer or fail to respond truthfully to any questions; and
  - c. Your steward may advise you and participate in the interview (assuming the employee has requested a steward).

## The Principles of Just Cause

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The main purpose of any disciplinary action is to correct undesirable behavior on the part of an employee. All disciplinary actions must be for just cause and, in the majority of cases, the action taken should be progressive and corrective in nature.

As stated earlier in this guide, it is typically the Postal Service's burden to prove that all disciplinary actions are issued for just cause.

The definition of just cause varies from case to case, but arbitrators frequently divide the question of just cause into six sub-questions and often apply the following criteria to determine whether the action was for just cause.

These criteria are the *basic* considerations that the supervisor uses before initiating disciplinary action. Discipline should not be issued if “No” is the answer to any of the questions.

The following is the list of six sub-questions:

**1. Is there a rule? If so, was the employee aware of the rule? Was the employee forewarned of the disciplinary consequences for failure to follow the rule?**

It is not enough to say, “Well, everybody knows that rule,” or, “We posted that rule ten years ago.” You should be prepared to present the document(s) that supports that the employee knew, or reasonably should have known, the rule (posting and location, previous discipline, relevant sections of handbooks, regulations, etc.)

Certain standards of conduct are normally expected in the work place, and it is assumed by arbitrators that employees should be aware of these standards. For example, an employee charged with intoxication on duty, fighting on duty, pilferage, sabotage, or insubordination, may generally be assumed to have understood that these offenses are neither condoned nor acceptable, regardless

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of whether management has issued specific regulations to that effect.

### **2. Is the rule a reasonable rule?**

Management must make sure rules are reasonable, based on the overall objective of safe and efficient work performance. Rules should be reasonably related to business efficiency, safe operation of our business, and the performance we might expect of the employee.

### **3. Is the rule consistently and equitably enforced?**

A rule must be applied fairly and without discrimination. Consistent and equitable enforcement is a critical factor. Consistently overlooking employee infractions and then disciplining without warning is improper. For example, if employees are consistently allowed to smoke in areas designated as *No Smoking* areas, it is not appropriate to suddenly start disciplining them for this violation. In such cases, management loses its right to discipline for that infraction, in effect, unless it first puts employees (and the unions, when appropriate) on notice of its intent to enforce that regulation.

Singling out employees for discipline is another issue. If several similarly situated employees commit an offense, it would not be equitable to discipline only one.

**4. Was a thorough investigation completed?**

When considering disciplinary action, management must investigate to determine whether the employee committed the offense. Management must ensure that its investigation is thorough and objective. This includes the employee's "day in court privilege." Employees have the right to know with reasonable detail what the charges are and need to be given a reasonable opportunity to defend themselves before the discipline is initiated.

The investigation should also include a review of the employee's past record in order to determine what, if any, action is appropriate and/or warranted. When in doubt supervisors are encouraged to consult with their managers or with the District Labor Relations office.

### **5. Was the severity of the discipline reasonably related to the infraction itself and in line with that usually administered, as well as to the seriousness of the employee's past record?**

The following is an example of what arbitrators may consider an inequitable discipline: If an installation consistently issues seven-day suspensions for a particular offense, it would be extremely difficult to justify why an employee with a similar record was issued a thirty-day suspension for the same offense under like circumstances.

There is no precise definition of what establishes a good, fair, or bad record. Reasonable judgment must be used. An employee's record of previous offenses may not be used to establish guilt in a case you presently have under consideration, but it may be used to determine the appropriate disciplinary penalty.

### **6. Was the disciplinary action taken in a timely manner?**

Disciplinary actions should be taken as promptly as possible after the offense has been committed.

## Steps of the Discipline Process

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Before issuing discipline, you should consider having a discussion with the employee for minor offenses in an effort to correct the undesirable behavior. Discussions are intended to ensure employees are aware of rules that may lead to discipline if not followed. The discussion's purpose is for the employee to correct the behavior; thereby making discipline unnecessary. However, if discipline does become necessary, remember that all discipline must be issued for just cause as referenced above. There are multiple steps to the discipline process:

- Letter of Warning,
- Suspension of less than 14 days,
- Suspension of 14 days or more, and
- Discharge.

### **Discussion**

A discussion is not considered discipline and should be used for minor offenses. In such a case, you should let the employee know what the specific problem is and what is expected. You have a responsibility to encourage employees to correct their shortcomings. Let the employee talk—an interchange may be all that is

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needed. Discussions are to be held in private. Because discussions are not discipline, they are not grievable.

You should follow up to make sure the discussion was effective. If the employee corrects the questionable behavior after the discussion, let it be known that you appreciate the improvement.

### **Letter of Warning**

A letter of warning (LOW) is the first progressive step in the disciplinary process. Generally, a letter of warning should be considered when an employee has been previously notified of what the expectations are but is failing to meet the expectations.

### **Suspensions**

In suspending an employee, use extreme caution in convincing yourself that the penalty is appropriate for the offense. Progressively longer suspensions may be in order to correct a situation. Suspensions require a higher level reviewing authority to thoroughly review and concur with the proposed discipline before it is initiated. Depending on the collective bargaining agreement, some suspensions require employees to remain on duty with no loss of pay (no time-off suspension).



## Discharge

When previous attempts to correct an employee deficiency have failed, discharge should be considered. This should generally be a last resort. However, there are certain offenses that may warrant discharge without prior progressive discipline, e.g. acts of violence, theft, intoxication (drugs or alcohol). Discharge also requires a higher level reviewing authority to review and concur with the proposed discipline before it is initiated. Before you decide that discharge is appropriate, contact your District Labor Relations office for guidance.

## Level of Discipline

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One of the most difficult areas of discipline is the determination of the level or type of discipline to be issued for a particular offense. The Postal Service generally does not subscribe to a table of penalties for particular offenses. Rather, certain factors should be considered in assessing discipline and disciplinary action should be tailored to the particular circumstances. Items for consideration in assessing discipline include, but are not limited to:

- The nature and seriousness of the offense.

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- The past record of the employee and/or other efforts to correct the employee's misconduct.
- The circumstances surrounding the particular incident.
- The level of discipline normally issued for similar offenses under similar circumstances in the same installation.
- The employee's length of service.
- The effect of the offense on the employee's ability to perform at a satisfactory level.
- The effect of the offense on the operation of the employee's work unit; for example, whether the offense made coverage at the overtime rate necessary, whether mail was delayed, etc.

Remember, the collective bargaining agreements provide that discipline be corrective in nature rather than punitive.

# **Discipline Grievances**

## **Role of the Step 1/Informal Step A Supervisor**

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Once the discipline has been issued, the employee or the union may grieve the discipline within the time limits specified in Article 15. The supervisor handling the grievance at Step 1/ Informal Step A has the responsibility to gather all relevant documentation supporting the disciplinary action that was issued. Even with all the just cause principles considered before issuing the discipline, this does not allow the supervisor to breeze through the Step 1/Informal Step A process with a quick "Grievance Denied." Points which should be covered by the supervisor in any Step 1/Informal Step A discussion include:

- Is there a misunderstanding on management's reasons for having initiated the discipline?
- On what basis does the employee or union feel that management lacked just cause?
- On what basis does the employee or union feel that the action taken is too severe?

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It is crucial that the supervisor handling the Step 1/Informal Step A grievance not only take good notes during the grievance discussion, but also advise management's Step 2/Formal Step A designee and, for suspensions or discharge actions, the reviewing authority that a grievance has been filed. Since the reviewing authority thoroughly reviewed the proposed discipline before it was initiated, you and the reviewing authority will be a key source of information for management's Step 2/Formal Step A designee.

### Role of the Step 2/Formal Step A Designee

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The Step 2/Formal Step A designee must look at both sides of the argument in an effort to resolve the grievance at the local level.

A situation may arise where the Step 2/Formal Step A designee finds the discipline either unwarranted or too severe based on the facts and evidence presented at the Step 2/Formal Step A discussion. If so, the Step 2/Formal Step A designee should discuss the case with the reviewing authority and the supervisor involved before rendering a decision.

Step 2/Formal Step A designees must not handle grievances as though they were "rubber

stamping" decisions that have already been made. Also, the Step 2/Formal Step A designee must not accept without question all statements of facts or opinions by other management personnel regarding the case, or assume automatically that the statements of facts or opinions forwarded by the union or grievant are fabrications or highly biased. Statements of facts by either party should always be documented.

Except to check out new facts presented at the Step 2/Formal Step A discussion, the Step 2/Formal Step A designee should not have to develop management's case if the reviewing authority and supervisor involved have done their homework. The primary responsibility of the Step 2/Formal Step A designee is to review the case to determine whether just cause exists for discipline and, if so, whether the degree of discipline is appropriate.

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## Reference Materials

- Joint Contract Administrative Manual (JCAM)
- Joint Contract Interpretation Manual (JCIM)
- Contract Interpretation Manual (CIM)
- Handbook EL-901, *NALC National Agreement*
- Handbook EL-902, *NRLCA National Agreement*
- Handbook EL-903, *NPMHU National Agreement*
- Handbook EL-912, *APWU National Agreement*
- *Employee and Labor Relations Manual* (ELM)
- Handbook M-38, *Management of Rural Delivery Services*
- Handbook M-39, *Management of Delivery Services*
- Handbook M-41, *City Delivery Carriers Duties and Responsibilities*
- Handbook PO-603, *Rural Carrier Duties and Responsibilities*

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## **Additional Information**

Additional information is available through Labor Relations training courses, “Grievance Handling” and “Charge Writing.” For more information on these courses, contact your District Labor Relations office.

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