

# GRIEVANCE CHECKLIST

## DISCIPLINE JUST CAUSE PRINCIPLE, ARTICLE 16

### ABSENTEEISM

Article(s) 10, 16, 19, ELM 513 & 665

- 3971's for Cited Absences
- 3972's (2 previous years)
- Medical Documentation for Absences
- Underlying Reasons for Absences
- Restricted Sick Leave
- Dates and content of Management reviews/discussions
- Address the specifics of the charge
- Is Management stating that a pattern is being established?
- Steward's notes from day in court
- Local Agreement
- FMLA
- 3972's/Disparate Treatment
- EAP Referrals/Useage
- SLDC
- eRMS documentation/flags

### INSUBORDINATION

Article(s) 16, 3, 19, M39, M-41

- Statement(s) of Witnesses
- Statement/Notes of Supervisor
- Mitigating Information (Alcohol/Chemical Dependency, E.A.P., Counseling...)
- If "Just Cause" DOES Exist, Attempt to Reduce Severity/Length of Discipline
- Consider E.A.P. Referral/Counseling (Article 35) to Help *Correct* Problem
- Station History re: what has been acceptable conduct
- Personal History
- Statement of Grievant
- Any Past Discipline/Discussions
- Steward's notes from day in court

### DEMONSTRATED PERFORMANCE

Article(s) 16, 5, 3, 19, M39, M41, Step 4's

- 3999
- 4584 (Driving Observation)
- Notes of Supervisor (ID the problem)
- Medical Documentation/Accommodation (If Any)
- What specifically was done by Mgmt to identify & correct the problem (M-39 115)
- Steward's notes from day in court
- 1840, 1838C
- 3996's/1571's
- Retraining Records (If Any)

**\*Be very careful here and look closely for hidden mitigating circumstances**

## Unsafe Act

### Article 16, M-41, Station SOP

- Management interview
- PS Form 1769 (accident report)
- Root Cause Analysis
- Station History regarding the act involved
- Steward's notes from day in court
- Previous 3999s
- Any injury records
- Station Safety Agreement
- Grievant's statement
- PS Form 1700 (accident report)
- Witness Statements
- Previous Job Discussions
- Police Reports
- Review the safety talk log
- What actions were

**\* An accident or injury alone is not sufficient reason for disciplinary action**

## FAILURE TO FOLLOW INSTRUCTIONS

### Article(s) 3, 16, 19, M-41

- What is the specific instruction
- S.O.P. at Station (All)
- Statements Regarding "Instruction"
- What is the Grievant's understanding of the instruction?
- Attempts at correction
- How was it communicated
- Statements/Disparate Treatment
- Notes from any Prior Discussions

**\*The charge "*Failure to Follow Instructions*" should always be challenged as ambiguous and broad. If "*Just Cause*" DOES exist, redefine charge making it more specific to the incident (i.e. "*Unsafe Act*", "*Unauthorized O.T.*", etc.). Attempt to include language that it only be considered in like/similar future incidents.**

In all discipline cases

- Where previous discipline is cited, the specifics related to that discipline
- Interview the issuing official and review and possibly the concurring official
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