



# Grievance/Hearing Preparation

## 1. When discipline is initially issued:

- a. Get info from Steward including their notes, and any documents they received from the company.
- b. Set up a meeting immediately with the Steward that was involved and call the affected Member.
- c. Request from the Member any documentation they can provide to assist with the initial evaluation of their case.
- d. Explain the importance of Confidentiality during the meeting to the Member. No telling co-workers, friends, posting on Facebook, etc.
- e. Explain the steps of the grievance procedure and the time limits.
- f. If held out of service without pay, tell the Member to file for unemployment. Advise the Member of usual grievance timeline. Discuss lifechanging issues such as seeking other employment, resignation, or retirement if possible.
- g. If discipline is related to a failed DOT test, ask the Member about their ability to pass a drug test. Explain their options through the Union EAP program.
- h. Make sure you have all the correct contact information including email, phone numbers, home address, etc.



## **2. Follow up meeting with the Member:**

- a. Review steps 1c through 1h
- b. Verify the Company's documentation is correct. Pick apart termination letter or discipline letter. Make sure that all basic principles of "Just Cause" are met.
- c. Impress upon the Member that the union is here to help, and it is imperative that they be completely honest.
- d. Walk through the whole story with the Member and take notes.

## **3. Once a hearing date has been set:**

- a. Contact the Member again, explaining that we will be doing our best, and that they must tell the truth.
- b. Walk through the whole story with the Member again, comparing notes from the previous meeting.
- c. Explain the dress code for the hearing, and any signals that you may use to stop talking after questions. (Don't talk too much)
- d. Tell the Member they should write a letter with their go forward plan of action, and be prepared to speak on their own behalf at the end of the hearing (if applicable)
- e. Anticipate the company's point of view to prepare case arguments.
- f. We will make the best presentation possible by contacting our AGC for guidance and to make sure we have covered all possible scenarios. They may want us to add exhibits to our documentation. We need to find any holes in the story, assess the situation, and present a plausible explanation.



#### **4. On the date of the hearing:**

- a. Have the Member show up at least an hour prior to the hearing to meet with the committee.
- b. Tell the Member to stay engaged/ make eye contact when speaking or being spoken to. Do not speak out of turn.
- c. Review the Member's statement and make any last-minute adjustments.
- d. Keep track of all participants at the hearing.
- e. Make sure the Note Taker for the hearing is prepared to capture all details of the hearing in their notes. The Note Taker can ask for time to catch up with their notes during the hearing to ensure accuracy and control the tempo.

#### **5. During the hearing:**

- a. The Hearing Officer is in charge. Direct your comments to the hearing officer.
- b. The Moving Party presents their case 1st. In Discharge + Discipline cases the company is the Moving Party; in Grievance hearings the Moving Party is the Union.
- c. You have the right to object during their presentation especially if they are presenting new evidence.
- d. If a witness is presented, once they are done with their testimony we have the right to cross-examine them.
- e. After both sides do their presentation, each side then presents their rebuttal. Again, the moving party goes 1st. The rebuttal is not to introduce new evidence, it is to rebut what has been presented.



- f. Once both sides are done with rebuttal, each side presents closing arguments. This should always be your strongest points. In Grievance hearings make sure to ask for the Grievance to be sustained; in Discipline or Discharge cases you ask for the charges to be removed; for the Member to return to work and be made whole.
- g. At this point the Hearing Officer will usually ask the Member if they have anything to add. This is why we prepare them, to make sure that all our work up to this point doesn't go down the drain.

## **6. Once the decision is rendered:**

- a. Contact the Member regarding the decision.
- b. Explain the next step in the procedure and timeline
- c. Submit documents to the AGC for review and next step
- d. Keep in contact with the Member for follow-up/feedback
- e. Explain LCA if applicable