



# Grievance/Hearing Preparation

## **1. When discipline is initially issued:**

- Get information from Steward including their notes, pictures and any other documents they received from the company.
- Make sure you have all the correct contact information including email, phone numbers, home address, and emergency contact, etc.
- Was a Ground Safety Awareness Program (GSAP) filed?
- Set up a meeting immediately with the effected member try to include the original shop steward as well as the Committee.
- Explain the steps of the grievance procedure and the time limits.
- Request from the member any documentation they can provide to assist with the evaluation of their case, including any statement written.
- Explain the importance of confidentiality during the meeting to the member. No telling co-workers, friends, or posting on face-book, etc.
- If held out of service without pay, tell the member to file for unemployment. Discuss lifechanging issues such as filling prescriptions, seeking other employment, resignation or retirement if possible.
- If discipline is related to a failed DOT drug test ask the member about their ability to pass the drug test, and if they are fit for duty? Explain their options through the Union EAP program.

## **2. Follow up meeting with member:**

- Review any new documentation that may have been submitted.

- Verify the company's documentation is correct. Analyze and go over the discipline letters or the written charges and make sure everything is correct.
- Make sure that the principles of just cause have been followed.
- Impress upon the member that the union is here to help, and it is imperative to be completely honest as you go through this.
- Walk through the whole story with the member and take thorough notes.

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

- Contact the member again, explain that we will be putting their case together.
- Walk through the whole story with them, compare notes from all the previous meetings, be sure the member knows the process and how the hearing goes.
- Explain the dress code for the hearing ahead of time, tell them that you may be using signals while in the hearing, and for them to stop talking after questions.
- 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.
- Anticipate the company's point of view to prepare case arguments. Play devil's advocate.
- The Union will make the best presentation possible by contacting the AGC's for guidance and to make sure we have covered all possible scenarios. They may want us to add exhibits to the 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:**

- Have the member show up at least an hour prior to the hearing to meet with the committee, especially with attendance hearings.
- Tell the member to stay engaged/make eye contact when speaking or being spoken to. Tell them not to speak out of turn.
- Review the members statement and make any last-minute adjustments.
- Keep track of all participants ant the hearing by having a union sign in sheet.
- 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 be sure to control the tempo.

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

- The hearing officer is going to run the show. Direct all the comments to the hearing officer.
- The moving party presents their case 1<sup>st</sup>. in discharge + discipline cases the company is the moving party; in Grievance hearings the moving party is the Union.
- You have the right to object during the company's presentation especially if they are presenting any new evidence.
- If a witness is presented, once they are done with their testimony we have the right to cross-examine them.
- After both sides do their presentation, each side then presents their rebuttal. Again, the moving party goes 1<sup>st</sup>. The rebuttal is not to introduce new evidence, it is to rebut what has been presented. And drop the Haymaker.
- 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 and

make member whole; in discipline or discharge cases you ask for the charges to be removed and for the member to return to work and be make whole.

- At this point the hearing officer will usually ask the member if they have anything to add. Therefore, we ask them to read a prepared statement to make sure that all our work up to this point does not go down the drain.

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

- Contact the member regarding the decision.
- Explain the next steps in the procedure and timeline.
- Submit documents to the AGC for review and the next steps.
- Keep in contact with the member for follow-up/feedback.
- Explain Last Chance Agreements (LCA's) if applicable
- Explain that if it goes any further it goes to a committee for review to Arbitration if it warrants.