

Investigating Grievances - Teamsters - <http://tdu.org/node/1625>

The right information can make or break your grievance case. If you don't have your facts straight, management can shoot down your case. As a steward or a concerned member, you can gather facts and make it harder for the boss to pick holes in your case. A thorough investigation can help locate evidence that supports your case, and it can also help you find your case's weak spots. And, you might even identify inconsistencies with management's case, or find unexpected contract violations.

Get the Facts: The Five W's

Whether it's a contract violation or a discipline case, there are six questions to ask for every grievance:

- **Who** is involved?
- **When** did it happen?
- **Where** did it happen?
- **Why**
- **What** happened, and **what** is the remedy?

These questions will help you track down all the facts you need to present a solid case.

Interviewing the Grievant

You need to get the full story of what happened from the grievant, especially in disciplinary cases. The best way to do this is to interview the grievant, asking them the Six W's. Ask the grievant to be as specific as possible.

When you're dealing with a disciplinary grievance, your questions might make some members suspicious. Assure them that you're on their side. Tell them, "If I ask questions management will ask, it's because I need to know the answers to represent you well."

You want the whole story, not just the grievant side. After they've told their story, ask them, "What do you think management will say happened? We need to prepare for their strongest arguments."

Find out from the grievant if there are any witnesses: other Teamsters, customers, or supervisors.

After you've interviewed the grievant, review the facts with them, and the sequence of events. Make sure you've got the facts straight.

Management's Story

When you're handling a disciplinary grievance, management will often try to change their story to dodge a settlement.

Don't let management set up a moving target. Use your investigation to pin them down.

Make sure you get the full side of the story from all the supervisors involved. Talk to different supervisors individually, and look for inconsistencies in their stories. Talk to supervisors early, before they get a chance to get their stories straight.

In the grievance hearing on a disciplinary matter, it's up to management to present their case first. Take careful notes, and when they're finished talking, ask them, "Is this your entire case?" Don't let them try to introduce new facts later into the hearing.

Remember, management is supposed to do a thorough investigation and then based on that apply appropriate discipline, so once discipline has been issued, their investigation is done.

Information Requests

The National Labor Relations Act gives the union and stewards a broad right to get information from the company to investigate grievances. There's a lot you can request.

Company documents, including accident reports, attendance records, bargaining notes, customer contracts, correspondence, interview notes, job descriptions, memos, time cards, security videos, seniority records and bids, and much more.

Don't let management delay your request. It's best to ask to view the documents first. Take notes and ask for copies if you need them—management has to pay for the copies.

Whenever you're working on a disciplinary grievance, always request to view the grievant's personnel file. If you suspect unequal punishment, request the names of other employees who have committed the same offense, and the penalties imposed.

Be careful here. If other employees have done similar things and not been disciplined as severely, the employer may go after them in the near future in order to make you and the grievant look bad. The use of apparent disparity in punishment must be handled with care.

Data, including lists, statistics, and other relevant information relied on by management to support their case must be provided to you. Management must provide this information, even if they must spend hours compiling the information, at no cost.

Facts. Employers must answer pertinent factual inquiries. For an arbitration hearing, ask for the names of persons the employer intends to call to the stand and an outline of what they will testify to.

Language to Include in Every Request

You should always ask to view specific documents you need. But employers are obligated to respond to broad inquiries.

For a disciplinary grievance, you can ask: "Please supply all documents, reports, and other evidence utilized in making the decision to discipline the grievant." For a contractual grievance, ask for: "All documents, records, and facts used in determining the company's position."

When Management Gets in Your Way

Keep careful track of the information you request from management. Don't let them introduce information or documents that you've requested, but that they haven't provided.

If management denies your information request, the union can file unfair labor practice charges with the National Labor Relations Board.