

COMMUNICATION WORKERS OF AMERICA

DISCIPLINE CASE GUIDE

Local: 3204

Location: Atlanta, Georgia

Grievant's Name: _____ NCS: _____ Age: _____

Grievant's Full address: _____

Date Grievance Occurred: _____ Date Grievance Filed: _____

Date of Grievance Meeting: _____ Date appealed to Executive Level: _____

I. **Disciplinary Action Taken:** State what disciplinary action the Company took. Where suspensions are involved the duration should be shown.

II. **Reason for Discipline:** Relate occurrence, incident or condition that resulted in the discipline.

III. **Chronology of facts Related to the Discipline:** List in chronological order by dates all incidents and events that are relevant to the case. Include counseling and warning entries, suspension, previous grievances involving the same or similar acts, etc.

IV. **Appraisal of Action Taken:**

1. General Consideration

A. Was the Factual Situation Clear?

B. Had progressive discipline been properly applied?

C. Was the employee advised of the exact offense?

D. Was the penalty excessive? If the penalty was excessive, what would have been the proper penalty?

- E. Did the grievant have a reasonable understanding of the seriousness of the offense and the penalty to be expected?
 - F. Was the member's guilt or behavior clearly established by adequate evidence?
 - G. Was the penalty or discipline discriminating? Can we prove disparity?
 - H. Did the grievant request Union representation at the time of discipline? If so, was the Union representation allowed or denied? Explain in detail.
2. Where discipline results from poor attendance, poor production, poor quality, the following should be made a part of the file:
- A. Employee's performance for pertinent period to discipline. Plot against standard or expected performance.
 - B. Comparative Analysis of other poor performers.
 - C. What action had been taken on other poor performers?
 - D. All pertinent personnel records.
 - E. Attendance records from the date of employment.
 - F. Training Records
 - G. Appraisal Records
 - H. Other records pertinent to grievance.

3. Where Discipline results from misconduct, etc., the following should be analyzed and included in file.

- A. Statements from grievant, and all witnesses and any other statement that the Company is using to build their case.
- B. All Personnel Records
- C. All Appraisal Records
- D. Other records where pertinent i.e., police records, doctor reports, accident reports, etc.

V. Union Position

- 1. State the Union's argument, demand and contention

- 2. State proposals made by the Union

- 3. Comment on strong and weak points in the Union's position

VI. Company Position:

- 1. State Company position

- 2. In your opinion state if face saving was a factor and why.

- 3. State whether the Company's position was reasonable and logical.

- 4. State any proposals made by the Company.

- 5. Was termination pay offered or paid?

- 6. Comment on strong and weak points in the Company's position.

VII. Potential Witnesses: List names of all potential witnesses and predict their effectiveness if needed to testify. This prediction should be based on your personal knowledge of the people involved or by verification through reliable sources.

VIII. Current Status of Grievant: Show present performance, title, location and any other pertinent information. In discharge cases, indicate where the person is presently employed.

IX. Weakness in Case: List all weaknesses and irregularities that would tend to weaken the Union's position.