

# TWU Disciplinary Grievance Fact Sheet

*(This form does not go to the company. It is only to be used by the union. Use back or additional sheets if necessary.)*

Grievant Name \_\_\_\_\_ Phone \_\_\_\_\_

Department \_\_\_\_\_ Job \_\_\_\_\_

Did grievant do what he or she was disciplined for? \_\_\_ Yes \_\_\_ No \_\_\_ Unclear

Have you obtained grievant's personnel record? \_\_\_ Yes \_\_\_ No \_\_\_\_\_ Other reason

1. Why was the grievant disciplined? What happened? Was there an incident, are there witnesses, who are they and what do they say? Mitigating circumstances?

## HEARING:

Was there a hearing? \_\_\_\_\_ Date of Hearing \_\_\_\_\_ Transcript or notes? \_\_\_\_\_

Was member represented? \_\_\_\_\_ Who handled hearing? \_\_\_\_\_

Who was the company hearing officer? \_\_\_\_\_

2. Were *due process rights* violated in the hearing, i.e. denial of request for steward; steward not allowed to question witnesses; no notes allowed to be taken? not enough time for questioning?

3. What discipline was given?

Date of discipline (for appeal purposes) \_\_\_\_\_

## INVESTIGATION FOR FURTHER JUST CAUSE ISSUES:

4. Are all workers disciplined for breaking this rule, or is there favoritism?

5. Did the worker know about the rule; know the penalty? Is it a new rule or an old rule that was never enforced?

6. Is the rule reasonable for workers to follow? Is it related to safe and efficient operations? Have other workers had problems following this rule?

7. Does the punishment fit the seriousness of the offense and the worker's history?

8. Did the company follow their own rules for discipline, giving the worker a chance to improve? Did the company investigate before issuing discipline? Did they question the worker unfairly? Did they discipline the worker reasonably quickly? Did they give one kind of discipline, then change it?

9. *If this an insubordination case*, was grievant given direct order or instruction? Was he/she aware of the direct order? Was the order clear? Was grievant given forewarning of possible consequence of alleged refusal to obey? Was order related to safe, orderly and efficient operation of the business? Did order violate contract? Was it a threat to grievant's safety? Would obeying order violate the law?

10. Do we need copies of company records to see if other workers have been disciplined for breaking this rule? Are there other records that might help?

Steward \_\_\_\_\_ Date \_\_\_\_\_