

## *Episode 5: Discipline and the Request for Information*

*Alright. Welcome back to From A to Arbitration!*

*Today we are going to be dealing with discipline. This episode is going to cover what we do when a carrier hands us discipline that they have received from management. In episodes upcoming, we'll be talking about different aspects of article 16, but this one's just going to be handling or dealing with discipline and what we do.*

*A carrier comes up to you on workroom floor and they say hey management has just handed me this and I want to file a grievance. You look and it's a letter of warning, seven-day, 14 day, or removal.*

*The first thing I tell all my carriers is to sign discipline, to sign it when you received it. I want them to do that because we have caught management in the past, and it's happening around our region, where management, if you constantly refuse to sign discipline, management will just start putting discipline in your file saying you refused to sign it. Then they'll site that against you. Then when you get a request for action or request for disciplinary action, they'll site on there a letter of warning that we've never seen, and the carrier never received. So always have the carrier sign the disciplinary notice. That's not an admission of guilt, it's just an admission of when I got it, then we know when our 14 days starts. If you go to Article 15, page 15-2, it states under time limits, this is what it states:*

*The fourteen days for filing a grievance at Informal Step A begins the day after the occurrence or the day after the grievant or the union may reasonably have been expected to have learned of the occurrence. For example, if a grievant receives a letter of warning, day one of the fourteen days is the day after the letter of warning is received.*

*So, it's critical that they sign that disciplinary notice, so we'll know when our 14 days start.*

*The very first thing that we do when we receive a disciplinary notice, whatever it is, the very first thing we do is not to file a grievance. That's not*

## *Episode 5: Discipline and the Request for Information*

*the first thing we do. We have a terrible history of getting a letter of warning or seven day or 14 day or removal and we immediately file a grievance. We're killing ourselves when we do that! Take advantage of every day of those 14 days.*

*When I was the Formal A Rep for my installation, it never failed. And it didn't matter how many times I would call the stewards and tell them to quit doing this. It was like they were scared to death that they were going to run out of time on the first day, and they would file a grievance the day after the discipline was issued.*

*So, I would get in the grievance file, the 8190, the letter discipline whatever it was, and then request for information with no information. So now my 21 days has turned into seven days because I've wasted the 14 days that I could have used to prepare this grievance. Now I'm cut down to seven days that I've got to meet at the Formal A. Make sure that we are taking advantage of the 14 days as prescribed in article 15.*

*The very first thing that we do when we receive discipline is immediately put in a request for information. When I turn in a request for information, I don't put 1000 things that I want or that I see that I need, I don't do that initially. The very first thing I request is, I want to know what management used to issue this discipline, so that's what I'm going to ask for. Any and all information that management used to issue this discipline to carrier Corey Walton. That's what I want. Because if I'm looking at this discipline and, in my mind, I'm jotting down, I want this, I want this, I want this, and I want this. Management may not have thought of that. So, you're helping to put arrows in their quiver. Don't do that! So ask what they used initially.*

*When you get that, document that. They gave me 10 pages. These are the 10 pages that they gave me that they've relied upon to issue this discipline. Now I'm going to request additional information that I see could be relevant. They can't say that that's what they've used because they didn't give that to you initially. So they can't use it to support their position*



## *Episode 5: Discipline and the Request for Information*

*because they didn't use that to issue the discipline. You've already got what they used to issue the discipline. I hope that's making sense. So, initially asked for any and all information that management used to issue the discipline.*

*One thing that is critical, that is left out of a lot of case files on suspensions or removals, is the request for appropriate action, the request for discipline, or whatever your region calls that. There's a lot that we can learn from a request for action. So, make sure that if you don't get that in the initial information request, you ask for that specifically.*

*On that request for action, you'll have a discussion date. Most of the time, those are always wrong. You'll have previous discipline, and that'll let you know what they're using against this carrier. We can say then, they're listing a letter of warning, I don't ever remember a letter warning being issued. We can look for that and ask for that letter of warning. Is this something that they have falsified and put in this file? We can address that at that time, because once it's in arbitration, it's impossible, or almost impossible, to bring that out. Arbitrators are leery about letting new argument in.*

*We'll look at concurrence on our request for action. Is there any? Who did it? Are they higher level? Is it the manager that issued the discipline? Did they concur on it? There are a lot of arguments we can make out of those things, and I'll get into that later on in another episode on Article 16.8 concurrence. So, get that initial request for information in there, everything that management used, and then we'll start looking at the information that they used, and then then comes our homework.*

*Always remember, discipline is like an iceberg. When you get management's position on the discipline, you're seeing about 10% of the story. We're going to find that extra 90%. That iceberg, when you see it, you're looking about 10%. The rest of it is beneath the water, right, about 90%. So, that's discipline. You're going to catch about 10% of that from management, what*

## *Episode 5: Discipline and the Request for Information*

*they want somebody on the outside to see. We're going to find that other 90%, and we do that through information.*

*Don't be lazy! Discipline is the most important grievance you will file. It's the most important thing we'll battle because this is the process in which a carrier is going to be removed. So, there's nothing more important! Article 8's are not as important as this, holiday scheduling is not as important as this, opting is not as important as this. Treat discipline like it is. It's the most important grievance we will file. So, when we research these things, when we study these things, when you get into that case file and start looking, pay close attention to those things. Dates, all those things are critical!*

*Is managements story making sense? Talk to the carrier about information that you receive. Y'all go over that together. A lot of times, the carrier will be able to help you. They'll say, this isn't true, this isn't true, that's not happened. Well give me a statement to that effect, help me out here.*

*Another thing, postal inspectors' reports, and an OIG report, when you get that, if it's part of management disciplinary packet, hand that to the letter carrier. Tell him, go over this and tell me what's not accurate. We've got to start doing that. We've got to.*

*Too many times as an advocate, I'll get a postal inspectors report and it's not coinciding with the other information in the file. We've never talked to the carrier about it. So, I'll call the carrier and say hey, the postal inspector said this. Well, no, that didn't happen. Well, they're stating it right here that you said this. I never said that. Well, it's at arbitration now, so it's almost too late. Do those things at the ground level.*

*When you get an OIG report or postal inspectors report, hand that to the letter carrier and let them go over that. If you were sitting in during that interview, you go over it, word for word. Pick out the discrepancies in there because there will be discrepancies.*



## *Episode 5: Discipline and the Request for Information*

*So again, when we get discipline, we have 14 days from the date after that carrier received it. Turn in your information request. Request any and all information that management used to issue the discipline. Get that and then we'll start getting other information.*

*Another thing is, get you a little group of carriers that you trust, Formal As, other stewards. I see, on social media, on Facebook and I pull my hair out even though I have no hair, I pull what little hair I do have out, when I see the responses to people saying hey here's this discipline I received, you know how would y'all beat it? The responses I see are unbelievable! It's a hindrance. Most are just sarcastic comments against the manager. That doesn't help anybody. That doesn't help anybody. So, get you a core group of carriers, stewards, Formal As, even the business agent if you're stumped, and run those things around because the more eyes you have on it, the better. The more things they'll be able to say, hey look here, right here, request this report because that's going to help you show this. You know whether it's scanning, it's attendance, accidents, all of those things. Go over it with a fine-tooth comb to help that carrier out. There's nothing more important that you'll do than discipline, so treat it as such.*

*Always remember, the more we request initially, the more we help management. So, stay away from that. Again, request the basics at the beginning and then we'll broaden our request as time goes on.*

*So, hopefully this helps you out about discipline and what to request. In future episodes we will talk about just cause and things like that, corrective rather punitive. But this is the groundwork on when you receive discipline. What we want to request and when we are going to request it.*

*OK, so hopefully this helped. I'll see you again in the next episode. Thank you!*