

FROM A TO ARBITRATION

EPIISODE 3-THE INVESTIGATIVE INTERVIEW



THE GRIEVANCE HINGES ON THE INVESTIGATIVE INTERVIEW

- **SHOP STEWARDS ARE THE PRIMARY CAUSE FOR BAD INVESTIGATIVE INTERVIEWS**
- **YOU HAVE TO PARTICIPATE AND BE INVOLVED. DO NOT JUST BE A BUMP ON A LOG**
- **DO YOUR JOB AND DO IT CORRECTLY**
- **DO NOT LET THE CARRIER BE A JERK. IF THEY START DOWN THIS PATH, STOP THE MEETING AND TAKE THEM OUTSIDE AND LET THEM KNOW THEY ARE HURTING THE OUTCOME OF THE GRIEVANCE**

ARTICLE 17.7

- **WEINGARTEN RIGHTS- KNOW WHAT THEY ARE AND DO THE PRE-INTERVIEW WITH THE CARRIER**
- **TALK TO THE CARRIER ABOUT WHAT THE CHARGES ARE AND TO BE READY**
- **IN THE INTERVIEW YOU ARE **NOT** A SILENT PRESENCE OR A PASSIVE OBSERVER**
- **IF MANAGEMENT TELLS YOU THAT YOU CAN NOT SPEAK, DO NOT ARGUE WITH THEM. MAKE THAT NOTATION IN YOUR NOTES. THIS WILL BE ONE OF YOUR CONTENTIONS FOR LATER ON. GET A STATEMENT FROM THE CARRIER THAT THE MANAGER DID INDEED TELL YOU TO SHUT UP AND OR BE QUIET**

THE PRE-DISCIPLINARY INTERVIEW

- **ALWAYS MAKE SURE THE CARRIER IS AWARE TO BE CAUTIOUS WITH THEIR ANSWERS**
- **AND TO BE HONEST WITH THEIR ANSWERS AND TO KEEP THEIR ANSWERS BRIEF**
- **IF YOU ARE CAUGHT LYING THAT WILL GIVE MORE FUEL TO MANAGEMENT IN THE GRIEVANCE PROCEDURE**
- **DO NOT LET MANAGEMENT LEAD THE CARRIER IN THE INVESTIGATION. THEY SHOULD ONLY BE ASKING THE QUESTION AND THE CARRIER SHOULD BE ANSWERING TO THE BEST OF THEIR KNOWLEDGE**
- **DO NOT LET MANAGEMENT ASK ACQUISITORY QUESTIONS. STOP THIS IMMEDIATELY!**

TAKING NOTES

- **AS THE STEWARD YOU SHOULD BE TAKING NOTES**
- **TAKE VERY DETAILED NOTES**
- **WRITE DOWN EVERY QUESTION AND EVERY ANSWER**
- **WRITE THE ANSWER AS IT IS GIVEN. YOU WILL ASK MANAGEMENT FOR A COPY OF THEIR QUESTIONS AND ANSWERS AFTER THE INTERVIEW, THEY WILL NOT HAVE THE SAME ANSWERS. SO MAKE SURE YOU WRITE VERBATIM WHAT IS SAID AND COMPARE THIS IN YOUR CONTENTIONS**
- **CHECK YOUR QUESTIONS AND ANSWERS AGAINST MANAGEMENT'S FOR ACCURACY**

QUESTIONS

- **AT THE BEGINNING OF THE MEETING ASK MANAGEMENT IF YOU CAN HAVE A COPY OF THEIR QUESTIONS SO THAT YOU CAN WRITE DOWN THE ANSWERS THAT THE CARRIER IS SAYING**
- **WHEN MANAGEMENT IS ASKING QUESTIONS AND YOU ARE ATTEMPTING TO WRITE THEM DOWN AND THEY ARE GOING TOO FAST, ASK THEM TO SLOW DOWN. IF THEY SAY NO, THEN NOTATE THAT IN YOUR NOTES AND KEEP UP AS BEST AS YOU CAN. GET THE CARRIER'S ANSWERS AS YOU CAN REQUEST A COPY OF MANAGEMENT'S NOTES LATER AND YOU WILL SEE THE QUESTIONS THAT THEY ASKED**
- **THE BIGGEST KILLER OF DISCIPLINE FOR MANAGEMENT IS A VIOLATION OF THE WEINGARTEN RIGHTS**
- **HAVE THE CARRIER ANSWER THE QUESTIONS THE BEST THAT THEY CAN**

DAY IN COURT

- **MAKE SURE THAT THE CARRIER KNOWS THAT THIS IS THEIR ONLY TIME TO EXPLAIN WHAT REALLY HAPPENED**
- **DO NOT LET THEM ANSWER QUESTIONS TOO GENERALLY. KEEP THE ANSWER SHORT, BUT BE DESCRIPTIVE. NOT JUST, I WAS SICK, OR I DON'T KNOW.**

ARTICLE 16

- **THE JUST CAUSE PRINCIPAL**
- **WAS A THOROUGH INVESTIGATION COMPLETED? BEFORE ADMINISTERING THE DISCIPLINE MANAGEMENT MUST MAKE AN INVESTIGATION TO DETERMINE WHETHER THE EMPLOYEE COMMITTED THE OFFENSE. MANAGEMENT MUST INSURE THAT IT'S INVESTIGATION IS THOROUGH AND OBJECTIVE. THIS IS THE EMPLOYEE'S DAY IN COURT PRIVILEGE. EMPLOYEES HAVE THE RIGHT TO KNOW WITH REASONABLE DETAIL WHAT THE CHARGES ARE AND TO BE GIVEN A REASONABLE OPPORTUNITY TO DEFEND THEMSELVES BEFORE THE DISCIPLINE IS INITIATED.**

CITES TO USE

- **C-23987**
- **M-1668**
- **C-26281**