

Grievance investigation— a review

Stewards have broad powers to investigate grievances, as well as problems that may become grievances. These powers are set out in Articles 17 and 31 of the National Contract, and they include:

1. The right to interview people to get the facts. You may interview the grievant (or potential grievant), supervisors, and witnesses—including witnesses who are not postal employees.

2. The right to review and obtain Postal Service documents, files, or other records. It is your right under the contract and under the labor laws to get the information you need to investigate and process grievances and potential grievances. (For more information on this right see the article in the Spring 2005 NALC Activist.)

3. The right to investigate while on the clock. Management may not unreasonably deny your requests to investigate and adjust grievances or possible grievances while on the clock.

These are your basic powers—set out in the contract and backed up by the labor laws. They are explained in greater detail in your JCAM. But how you use them is up to you.

There are no magic formulas telling you how to investigate a grievance. Each grievance is different, so the best way to learn grievance investigation is through experience. But there are a few basic things the steward can do to improve grievance investigation—and thereby improve the quality and strength of our grievances.

First, a grievance should be investigated before it is filed. The facts should be gathered first, and then the decision whether to file a grievance should be made. If a grievance is filed first and questions are asked later, the system gets clogged up with grievances that may be frivolous. Stewards should investigate fully at the outset, and only then decide whether to file at Informal Step A.

Second, you should interview any supervisors connected with the potential grievance before the grievance is initiated. Your right to interview supervisors is established in Article 17, Section 3. The investigation interview is conducted to learn management's version of the facts. The interview is not a grievance meeting or a place to debate the case. Rather, you should simply ask questions and get the

supervisor's answers. When you learn management's version of the facts, you can determine where disputes about the facts exist, and where both sides agree about the facts.

Once you have the supervisor's story, management will have difficulty trying to invent or introduce new facts at later steps of the procedure. Often management's position at the supervisory level is easy to attack—but it gets harder once management's labor relations specialists and attorneys get involved.

How do we know what to investigate? Start with the basics. Who is involved—which letter carrier, which supervisor? What happened—what events are important? Where exactly did it happen—and when—what day and time? Why might it be a grievance—is there a violation of the contract? Which article and section?

Next, try to imagine what management will say about the case, and formulate an argument in response. Note your strong points and face up to any weaknesses. Then go get the answers. Document every point in the union's position and get statements from all relevant witnesses, from the grievant, and from management.

When you have found and documented all of your facts, then you are ready to evaluate the problem and decide whether to file a grievance. If you file, you'll have everything you need. Grievances are won and lost on the basis of your investigation.

One of the hardest parts of a union officer's job is trying to resolve grievances without all the facts. The union depends on the steward for this information. Stewards know the grievant, the supervisor, and the station, and they have the best grasp of the problem.

If you really want to win a grievance, conduct a complete investigation. And if you want to help other union representatives win a grievance you have appealed, then give the Formal A or Step B union people what they need more than anything else—a thorough investigation and a complete file with all the details, all the statements, and all the documents that prove your case. The union's success in the grievance procedure rides on you and the effort you put into your investigation. 