

IBEW System Council #16



Explanation

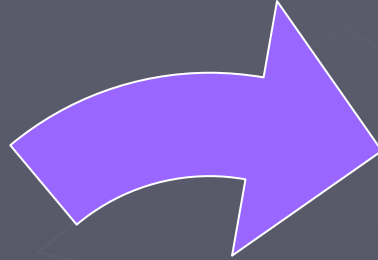
- ▶ This program not intended to conflict with rules or procedures of the System Council
- ▶ The program is only to discuss those matters that should be handled by the Local Chairman or his assistants

Investigating and Processing Claims and Grievances

System Council

Carrier

Local Union



Local Committee Chairman

- ▶ You are the face of the Local Union
- ▶ You are the voice of the members
 - Be Knowledgeable
 - Be Intelligent
 - Be well informed
 - Be fair minded and consistent

Local Chairman

- ▶ Know your duties
- ▶ Develop a personal relationship with your counterpart from management
 - Find out hobbies
 - Likes and dislikes
 - We are all in the same profession

Investigation

- ▶ To process any claim or grievance, the most important issue is the investigation.
- ▶ Be thorough
- ▶ You can never have too much information
- ▶ Always write down chronology

Investigation

- ▶ Who?
- ▶ What?
- ▶ Where?
- ▶ When?
- ▶ Why?
- ▶ How?

Who?

- ▶ Get the name of the member or members that are involved in the incident and any management personnel involved
 - Get all pertinent and relative information about these members- full name, job title, rate of pay, years of service, seniority dates if pertinent, rest days, and daily working hours
 - Get the names of all potential witness'

What

- ▶ What is the issue?
- What is the violation?
 - Collective Bargaining Agreement
 - ▶ Specify Article and Section
 - Work Rules
 - ▶ Specify what rule
 - Safety

What

- ▶ There may or not be extenuating circumstances concerning the alleged violation- find out
- ▶ Make sure to clarify the issue
- ▶ Has this issue arisen before?

Where

- ▶ Service Track
- ▶ Shop
- ▶ Yard

- ▶ Wherever, make sure that you have an accurate description of the area
- ▶ If there is a safety issue, be careful to document everything about the area

- ▶ The circumstances that may have lead to a violation

When

- ▶ Date
- ▶ Time
- ▶ Place

- ▶ Be as specific as possible

Why

- ▶ Did Carrier violate the Agreement?
- ▶ Jurisdiction?
- ▶ Safety Violation?
- ▶ Insubordination?

How

- ▶ What improper action did the carrier take
- ▶ What action did a member take
- ▶ How you think the issue should be resolved
 - If you seek to have a disciplined employee “made whole,” you have to be specific about making an individual made whole---lost time to include wages, fringes, and amount of time an individual could have worked.
 - If it is work that should have been assigned to the IBEW, how long did it take

How

- ▶ How did the accident happen?
- ▶ How were safety regulations violated?
- ▶ How was the person injured?
- ▶ How was the agreement violated?
- ▶ How were work rules violated?

Responsibilities & Rights

▶ Duty of Fair Representation

- What is it?
- Union required to serve the interests of all members
 - ▶ Act without hostility
 - ▶ Exercise its discretion with complete good faith and honesty
 - ▶ Avoid arbitrary conduct

Responsibilities & Rights

- ▶ A union breaches the duty if its conduct is:
 - Arbitrary
 - Discriminatory or
 - In bad faith

Responsibilities and Rights

- ▶ The Local must investigate the claim
 - If there is a violation, process the grievance
 - If there is no violation, inform the grievant that their grievances will not be processed

Local Chairman Responsibilities

- ▶ Properly develop the claim
- ▶ Properly develop the facts of the claim
- ▶ Properly develop the employees' position
- ▶ Be timely with filing the claim

How to Win

- ▶ It starts with YOU
- ▶ The claim or grievance will only win if you have done your investigation thoroughly
- ▶ The G.C., if the issue is appealed, only has the written information that you have supplied

Procedures

- ▶ The General Chairman determines procedures---Style, form, and processing
- ▶ You must comply with those procedures