

GRIEVANCE/ARBITRATION FILE CHECKLIST

IMPORTANT NOTE: If a case needs to be evaluated for arbitration call me on the day you or the grievant (whichever comes first) receives the final decision. Submit this check list within three calendar days because I need time to review the file. Also, I normally need more information from you and want you to have time to get that. If at any time you have questions please call me.

I. EMPLOYEE INFORMATION:

Name _____	Work Phone _____
Home address _____	Home Phone _____
_____	Cell/Pager _____
_____	Email _____

Position/Title/Grade _____
Operating Division _____
Years w/ Agency ____ Permanent ____ Seasonal _____

NTEU REP _____	Address if other than chapter:
Work Phone _____	_____
Home Phone _____	_____
Cell/Pager _____	Email _____

Name/Title/Address of Final Step Grievance Official:

FOR FIELD OFFICE USE:

Agency Rep:

Hearing Official:

AE11
08-04

II. TYPE OF ACTION: (for example: discipline - 10 day suspension; adverse action - removal; performance appraisal grievance, etc.)

Is there a grievability/arbitrability issue? _____ If so, what is the issue?
BEFORE ANSWERING THIS QUESTION READ THIS: Whether a case is grievable or arbitrable has to do with whether the chapter filed the grievance timely, advanced it to the next step timely, whether the chapter raised an issue that can legally be raised, or whether an issue was raised timely during the grievance process.

Has the agency raised grievability/arbitrability? _____
If so, over what issue?

III. DOCUMENTS: As you collect documents organize them with each category in a separate labeled folder. When you forward the case for arbitration evaluation please include a list of the documents included in the file. As applicable, include the following:

FOR ALL GRIEVANCES:

- _____ 1. grievance form.
- _____ 2. requests to proceed to next step.
- _____ 3. responses to all step meetings.
- _____ 4. information requests including NTEU's request, agency response, and material provided.
- _____ 5. Did the agency provide all requested material? _____ If not, what did it not provide?
- _____ 6. other relevant documents.

FOR UNACCEPTABLE PERFORMANCE ACTIONS:

- _____ 7. evaluation/appraisal.
- _____ 8. position description.
- _____ 9. critical elements.
- _____ 10. opportunity letter.
- _____ 11. proposal letter.
- _____ 12. oral reply transcript.
- _____ 13. final decision letter.
- _____ 14. a list of all relevant material in the OPF.
- _____ 15. other relevant documents.

FOR DISCIPLINE/ADVERSE ACTIONS:

- ___ 16. proposal letter.
- ___ 17. all material relied upon by the agency in proposing/deciding upon discipline/adverse action.
- ___ 18. oral reply transcript.
- ___ 19. final decision letter.
- ___ 20. copy of all prior disciplines.
- ___ 21. look at the OPF for positive/negative information relevant to the case and provide copy of relevant material.
- ___ 22. disparate treatment cases.
- ___ 23. other relevant material.

FOR PERFORMANCE APPRAISAL CASES:

- ___ 24. grieved evaluation/appraisal.
- ___ 25. prior evaluation/appraisal.
- ___ 26. position description.
- ___ 27. critical job elements.
- ___ 28. identify CJE/Aspects that should be raised and why.
- ___ 29. how much would award be if ratings were increased to requested level?

IV. ANALYSIS. Before giving this file to the Chief Steward complete the above and write a brief memo covering the following items:

1. Summarize the case in one or two sentences. What is the case about?
2. State the facts of the case.
3. What are the union's arguments for its position? Put the strongest argument first.
4. What documents support the union's position?
5. What witness testimony supports the union's position?
6. What are the weaknesses of the union's position?
7. What are the agency's arguments?
8. What documents do we have to oppose the agency's arguments?
9. What witness testimony can we get to oppose the agency's arguments?
10. State any other facts, issues, comments you have on the case.

11. What remedy/remedies are we seeking?
12. What would be a good settlement?
13. Should we take this case to arbitration? Why?

V. REFERRAL TO FIELD REPRESENTATIVE. When you have a case that you want NTEU to evaluate for arbitration call me on the day you receive the third step response or final decision. Then be sure that I receive the file within three calendar days, with the above filled out and the memo completed. Under the contract (collective bargaining agreement) for your agency there is a very strict deadline for invoking a case for arbitration. If the case is not invoked by the deadline then the case cannot be arbitrated.

We realize that it is very hard work to fully develop and organize a file. Doing so means that the field rep can evaluate the file more quickly, that we take all cases with legal merit to arbitration, that cases are set for arbitration more quickly, that arbitration preparation is more complete, and victory more likely. If at any time you have questions please call me.

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AE11
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