

APWU-USPS GRIEVANCE ENHANCEMENT AND REDUCTION PROCEDURE (A.U.G.E.R.)

AUGER Purpose:

- Improve effectiveness of the grievance-arbitration procedure
 - Cases are finalized quicker

- Reduce costs
 - Fewer lost dates
 - Cases resolved at lower Steps

AUGER Process:

- Strict compliance w/all time limits at all Steps of Art. 15
- Parties' reps gather ALL facts; Apply CBA, JCIM
- Joint Grievance File (JGF)

AUGER Process:

- Area/Regional parties conduct pre-arb meetings on current backlog
- Create JGFs for remaining cases to be arbitrated
- The parties conduct monthly pre-arbs on new appeals

AUGER Process:

- National parties have designated APWU National Business Agent Bob Bloomer and Field Labor Relations Specialist Chris Beebe to handle any AUGER procedural issues
- Local parties may contact the reps regarding procedural issues
- Reps will not address contract issues

A.U.G.E.R.

- Comply with Article 15.5.B.1.a to have cases scheduled within 120 days after receipt of the arbitration appeal.

AUGER MOU Addresses:

- Grievance Procedure
- Pre-Hearing Process
- Hearing Scheduling Process
- Types of Arbitration Hearings

Grievance Procedure

Failure to comply with time limits for meeting/issuing decision results in:

- Union may appeal to next Step
- Management issues decision
- Untimely party loses ability to add to Joint Grievance File

Grievance Procedure

AUGER Begins at Step 1:

- Who, what, when, where, etc.
- Steward/Supervisor must determine all facts involved in the issue
- Apply CBA/JCIM terms for appropriate decision
- If unable to settle/withdraw & Union appeals, Step 1 reps must provide Step 2 reps with all info gathered

A.U.G.E.R.

Grievance Procedure

- Step 2 reps review Step 1 info/gather any necessary info
- Reach appropriate decision per CBA/JCIM
- If unable to settle/withdraw & Union appeals, Step 2 reps must create a Joint Grievance File (JGF)

A.U.G.E.R.

Grievance Procedure

At Step 2:

- Create Joint Grievance File (JGF)
- If possible, agree on and list stipulated facts, which become part of JGF
- Fully develop arguments and file

Grievance Procedure

- State in detail the facts and identify the specific contractual provisions, handbooks or manual citations relied upon to support respective positions.
- Exchange all relevant documents.
- Either party can add documents to the file.
- Either party can argue relevancy of documents.

Grievance Procedure

Documents that cannot be added to the file:

- Discipline that is over two years old or has been expunged by settlement (unless it remains live because of subsequent discipline).
- Prior settlements that are resolved as non-citable or non-precedent.

Grievance Procedure

- RFIs:
 - Provide all relevant information
 - Both RFI and the information provided should be identified in the file

Grievance Procedure

- Extensions:
 - Should be the exception, not the rule
 - Should be documented
- GATS numbers:
 - Must be provided at Step 2

Grievance Procedure

- All documents in the JGF are to be numbered and initialed by both parties beginning at Step 2.
- Step 2 decision, additions and corrections, appeal to Step 3 enter the file at Step 3, if appealed to Step 3.
- Both parties have the right to supplement the file at Step 3 (Article 15.2 Step 3. (b) and (c)). However, this should be the exception rather than the rule.

Grievance Procedure

- Direct appeals will continue to be reviewed in the same manner described in these procedures in accordance with the 6.13.05 MOU, Arbitration Scheduling and Grievance Review.

Grievance Procedure

- JGF “sealed” at conclusion of Step 3.
 - Step 3 decision, additions and corrections, appeal to arbitration, and correspondence are considered part of the file.
- Once sealed, no new evidence or arguments (other than noted above) can be considered at either the pre-hearing process or arbitration.

Grievance Procedure

Should the case proceed to arbitration, the following will be joint exhibits:

- Joint Exhibit #1: National Agreement
- Joint Exhibit #2: Joint Grievance File

Grievance Procedure

- Joint Exhibit #3: excerpts from handbooks/manuals and/or JCIM that were identified and/or referenced in the JGF
- Joint Exhibit #4: relevant Step 4 decisions, national level memorandums, or national level arbitration decisions

Pre-Hearing Process

- No later than 60 days prior to each arbitration scheduling date, the parties' representatives will review/discuss all cases pending arbitration.
- Cases shall be discussed in a first in and first out order.
- No new evidence and/or arguments will be entered, considered, or raised at either the pre-hearing process or arbitration.

Pre-Hearing Process

- Parties may clarify, analyze, compile, or detail information previously identified and/or contained in JGF
- Cases that are not resolved or withdrawn will be placed on the docket for arbitration scheduling
- When the agreed-upon number of cases have been scheduled for a date, the parties will then schedule cases for the next available date

Pre-Hearing Process

- The parties (at the Area/Regional level) will agree at the pre-hearing meeting to one of three options for arbitration:
 - Stipulated Hearing Process
 - Modified Alternative Arbitration Hearing
 - Regular Arbitration Hearing (default option)

Arbitration

- The parties agree to maximize the use of telephonic testimony and stipulation to witness statements and documents properly entered in the JGF.
- Parties are obligated to make every effort to hear all the cases listed on the scheduling letter pursuant to Article 15.

Types of Arbitration Hearings

- Stipulated Hearing
 - Arbitrators on the regular panel will be solicited to participate in this process.
 - In lieu of a live hearing, the parties submit the JGF, joint exhibits and written arguments to the arbitrator for a decision.

Types of Arbitration Hearings

- Stipulated Hearing (cont'd)
 - The file will be mailed to the arbitrator a minimum of ten days in advance of the scheduled hearing date.
 - The arbitrator will use the date to review the file, exhibits, and arguments, and will render a decision based upon the submissions.

Types of Arbitration Hearings

- Modified Alternative Hearing
 - Arbitrators on either the regular or expedited panel may be solicited.
 - The parties agree to a maximum presentation of one hour (30 minutes for each party).

Types of Arbitration Hearings

- Modified Alternative Hearing (cont'd)
 - Presentations will include the JGF, joint exhibits, lists of stipulated facts, and witness statements only.
 - This process will allow at least four cases to be scheduled and heard on a given date.

Types of Arbitration Hearings

- Regular Arbitration Hearing
 - If the parties cannot agree to use the Stipulated Hearing or Modified Alternative Hearing, the default is the Regular Arbitration Hearing.

AUGER begins...

- **New Grievances**
 - Any grievances filed after AUGER begins will be filed under this process.
- **Grievances in the System**
 - If a Step 2 denial has not been issued, the parties at Step 2 will develop a Joint Grievance File.

Questions?