

Issue: Advance Sick Leave - Denied

Articles 10 & 19

Documentation

Explanation

All grievance paperwork	All paperwork developed and utilized in grievance procedure
Applicable regulations - 513.5 of ELM	Establishes work rule and criteria
Local or District SOPs if generated	Seldom generated. However if done must be in conformity with national regulations
Request for advance sick leave	Required by regulations
Denial of advance sick leave by management	Required. Also allows you to determine if action arbitrary, capricious, in bad faith, or disparate
Grievant's leave record for prior two (2) years - normally 3972s	Tells us sick leave history. Were there any major illnesses or injuries which used up large amounts of sick leave? Helps determine validity of request
Medical documentation	Basis for request for advance of sick leave. Should justify request and tell management grievant will more than likely return to work
Statement by grievant	Should address need, current and prior medical history involving usage of sick leave. Should establish basis for request <u>and</u> likely return to work
Steward's interview with employer representative who denied request	Ties down reasons why management denied request. Also should include how previous requests have been handled. Minimizes management building case later
Previous discipline or AWOL, if any, for grievant	If so, were they related to sick leave usage. If not, strengthens case
Any step increase deferrals, if they exist	If so, were they related to sick leave usage. If not, strengthens case
Restricted sick leave letter(s), if issued	History of prior action or lack of by management. Management should have been aware of ongoing problems or realized not a problem in the past. Possible prior acceptance of usage
All advance sick leave requests and action taken (regardless of craft) for previous two (2) years	Lets us know if grievant treated differently - disparity. Also were rules applied consistently and uniformly? If not, strengthens case
Applicable case law. Remember difference between precedent and persuasive value	Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point