

Issue: Off-Duty Misconduct Article 16

Documentation	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Pre-discipline paperwork - could include: 1) police reports & arrest record 2) Postal Inspector's Investigative Memorandum 3) pre-"D" (fact finding) notes from supervisor & steward 4) request for discipline	The key is to determine whether a nexus (connection) exists between alleged crime and the Postal Service. If not, normally no basis for discipline. Also lack of (4) parts could demonstrate due process flaws
Media coverage - anything on T V or radio; local news papers or publications. Address lack of nexus. What do co-workers think? Was there any adverse impact on the industry?	If so, does it identify the person as a postal employee and what degree of coverage - if minimal or non-existent, management may not have nexus
Interview with supervisor who requested and issued discipline. Steward's written notes should be sure to tie person down to exactly what was relied upon	Keeps management from building the case after discipline issued and helps you to determine if nexus shown
APWU request for information from which, at minimum requests " <u>anything and everything</u> " management relied on to issue discipline	Keeps management from building the case after discipline issued and helps you to determine if nexus shown
Interview with co-workers of employee and their written statements	Do employee's co-workers have any concerns about working with him/her? If not helps - if so hurts
Review Due Process and Discipline in General "check lists"	Ensures all necessary documentation sought and case prepared from a procedural and meritorious viewpoint
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

¹ Will normally involve a criminal act such as buying, selling, or possessing drugs.