

Article 5

Documentation

Explanation

All grievance paperwork	All paperwork developed and utilized in grievance procedure
If applicable, documentation from management on why they are unilaterally ceasing to honor practice. And, written notes from steward on reasons given by manager who discontinued practice	Most past practice can only be changed thru new or changed language in national agreement (CBA). Limited exceptions would require negotiations at the local level at the appropriate time or significant proof on why practice no longer feasible
Statements on: Consistency Longevity & Repetition Acceptability Mutuality	Our burden to prove practice: clarifies ambiguous language; gives substance to general language; establishes a separate enforceable condition of employment. Statements or other proofs need to show management aware of and accepted practice. Also, practice consistently and repeatedly utilized.
Prior settlements or sustained grievances which specifically dealt with validation or proper application of practice	Strengthens case and shows parties agreed to practice to resolve dispute or mutually accepted existence of practice
Historical development of practice	Establishes reason(s) for past practice. Documentation could be prior grievance resolutions, joint settlements, L/M minutes, statements from players involved in creating past practice, statements on consistent and uniform existence of practice over significant period of time
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