

Probationary Employee - Termination¹

Articles 12.1 and 16

Documentation	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Written notice of separation/termination	Basis for dispute. Must be able to show the specific date employee received it. If no written notice, harmful flaw. Same holds true if received after 90th day of employment
Applicable regulations - chapter 365 of the ELM	Existing rules. Requires management to notify employee in writing by the 90th day
Form 50 which shows career appointment of employee - specific date employee hired	Allows proper tracking of 90 days - the probationary period
Copies of 30, 60, and 80 day evaluations, Forms 1750	Historical date. May also shed additional light on case
Proof of mailing and receipt of written notice of separation/termination	Most of the time sent certified with return receipt and addressee only. Helps establish if management met their contractual obligations. If not, argue fatal flaw
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

¹Technically assumes employee did not receive written notice of termination/separation on or before ninetieth day of career employment. Otherwise, no contractual basis to grieve.