



Joint Resolution Hearing

And Formal Request for Information

Amalgamated Transit Union - Local 1637

Name of Grievant: Ed Brockbank

Today's Date: 12/22/09

Event Date: 12/21/09

Contact Phone: 845-7443

Employee # 2942

Nature of Grievance:

In light of the Company's failure to provide the "requested information" in a timely manner, the Union has a due process obligation to elevate this grievance to Joint Resolution .

Violation of Collective Bargaining Agreement [Section 23 Subsection 23.4]

The Union argues that although Op. Brockbank did in fact have three accidents within the previous 18-month period, the total point value (13 points) was not enough to warrant termination as stipulated in our Collective Bargaining Agreement.

Further, the Company contends that termination was based on a pattern of unsafe driving practice but has yet to prove that in any video footage or recorded drive cam events.

The Union argues that no pattern was established and that each of the three prior accidents were distinct and unique in nature, therefore Op. Brockbank must be reinstated with only 13 on the accident grid.

As stated in our Collective Bargaining Agreement...

23.4 *Employees who obtain 10 or more points relative to the Preventable Accident Point Grid below in a moving 12-month period may be subject to discharge. Also, employees who accumulate more than 14 points in a moving eighteen month period will be subject to discharge.*

Further, should the Safety Department determine that an employee has established a consistent pattern of unsafe driving behavior; such an employee will be subject to discharge.

Employees will be provided with remediation and/or retraining after each preventable accident that does not result in discharge.

Desired Settlement:

Full reinstatement, to be made whole.

Information Request:

1. A list of all employees that are "Still Employed" at Veolia Transportation within 18 months last past and thereafter, that have established 12 to 14-points, on the Accident Grid Scale.
2. A list of all employees that are "No longer Employed" at Veolia Transportation, that have been terminated as a result of Negligent or Unsafe Driving with only 12 to 14 points on the Accident Grid Scale within the last 18 month period.
3. A copy of the "Discipline Notice" issued to each employee, on each occurrence in the above two categories.
4. Copies of ANY Discipline Notice Forms that reflect the new checkbox... "Unsafe Operation of a Company Vehicle Resulting in an Accident" prior to Op. Charles Sammons's disciplinary notice.
5. Stipulate/provide the "Date" the **Disciplinary Notice Form** was amended as so stipulated on all previous versions.
6. Explanation as to why the Union wasn't copied on the amendment of the Disciplinary Notice Form as has been the practice.

Please be advised that the information requested is critical to the grievant's case. The Union will require the requested information at least 72 hours prior to the 2nd level.

Submitted By: <input type="text"/>		
<u>Company's Reply Section</u>		
Facility Secretary: <input type="text"/>	Today's Date: <input type="text"/>	
JR Date set for: <input type="text"/>	Time: <input type="text"/>	Extension Request until: <input type="text"/>
<input type="checkbox"/> <i>Unsettled (Move to Arbitration)</i>	<input type="checkbox"/> Call to Confirm	
<input type="checkbox"/> <i>Settled (Type Settlement agreed upon)</i>		
<input type="text"/>		

In Accordance with Section: 29 Subsections: (6,7,8, and 9)

Joint Resolution Meeting (JRM)

29.6 In the event the decision of the FSM Hearing Officer is not satisfactory to the employee or the Union, the grievance may be appealed to the Joint Resolution Committee. This request must be filed within 30 calendar days of the written decision of the FSM Hearing Officer. Nothing in this agreement prevents the Union and the Company from meeting in an attempt to settle a grievance prior to Joint Resolution.

29.7 The Human Resources Director/Manager will chair the Joint Resolution Committee.

The Joint Resolution Committee will be composed of the following people:

- A. General Manager or Designee
- B. Appropriate Director or Designee
- C. Non-voting Outside Neutral(s)
(mutually agreed upon between the Company and the Union)
- D. President/Business Agent, Local 1637 or designee
- E. Member of Local 1637 or Designee

29.8 Deliberation of the Joint Resolution Committee will occur directly after the Joint Resolution Meeting. Upon completion of such deliberation, a vote to uphold, overturn or amend the grievance will occur and will be advisory. The committee shall reduce its decision to writing within five (5) working days after the conclusion of its meeting, and furnish copies to the Union and the employee. At such meeting the Union or the Company may require the attendance of relevant parties.

29.9 The grievant/Union shall present at Joint Resolution all issues and evidence known, or which could have been reasonably known, related to the grievance. Additional issues and/or evidence which become known after the Joint Resolution meeting shall be allowed to be presented and may be cause for the grievance to be remanded to the appropriate manager level based on mutual acceptance of the parties. Issues and/or evidence must be made known before filing for arbitration.

