

Management's Burden in Discipline Cases

Whenever management issues discipline, it assumes the burden of proving that the grievant acted in such a way as to provide just cause for discipline.

To meet that burden, management must come forward with probative evidence sufficient to convince an arbitrator that the misconduct with which the grievant has been charged actually occurred.

The Union does not bear a corresponding burden...it does not have to prove that the grievant did not act as charged. Instead, the Union's job is to poke holes in the proofs offered by management.

Before any discipline will be allowed, management must prove that the Letter Carrier actually engaged in the misconduct with which charged.

Management's proof must be in the form of evidence.

Arguments, assumptions, guesses, conjectures, allegations or speculations are not evidence.

From NALC Defenses to Discipline

"In industrial discipline, as in the criminal justice system, an employee is deemed innocent of charges against him until proved otherwise, and the burden of such proof lies with the employer in industrial discipline, as it does with the state under our criminal justice system"

From Arbitration Decision C-04891