

Pre-Determination Meetings: How to analyze a case

- Always remember: All Bargaining Unit Members have the right to be represented by their union fairly, in good faith, and without discrimination. Union member or not.
- Read the Pre-D notice and identify what specifics you need to extrapolate from evidence and interviews.
- Determine the most relevant Who, What, When, Where, Why's and How's & Seek corroborative evidence.
- Review all contract language, employer-employee agreements and internal employee manuals related.
- Interview tips: prepare Qs ahead, facts over hearsay, build a timeline, get info that helps & hurts your case.
- Find any and all extenuating circumstances that could have led to employee confusion or misinterpretation.
- Sometimes the facts are irrefutable – In those cases the best policy is admitting fault and organizing a plan of action that can best put the employee on an accountability track to give management the confidence the member will become a productive member of their division/department.

Interviewing a member

- Take comprehensive notes.
- Let them tell their story first. Then ask for clarifying questions.
- Remind the member that you must know the facts. Anything withheld will most likely blindside them at the PreD meeting. Honest preparation is key to a successful defense.
TELL THE TRUTH.
- Keep the interview on track. This is an emotional moment for them.
- Remember to ask for all documentation and contact info that can corroborate the member's account.

Pre-Determination Meeting Tips

“Yes” and “No” are reasonable answers. Over-explaining details can complicate a meeting and create more rabbit trails than it’s worth.

If an employee doesn’t remember a specific detail, remind the employee that answering with “what I would’ve done” isn’t best practice. Just say, “I don’t recall” and move on.

Get a strategy together and communicated with the employee at least 24hrs before the meeting (if you can). Shotgun preparation can work, but not as effective as well thought out preparation.

Remind the member to not feel the need to break the silence with chatter. Do not speculate, volunteer information outside the Qs, or offer opinion.

An effective interview strategy is often overlooked is water. It sounds anecdotal, but thirst can be a significant mental distraction. Even veterans of the court system go dry-mouthed when they’re in the spotlight and their livelihoods are at risk.

Principles of Just Cause

The burden of proof to justify discipline is on the employer. Did they follow the Principles of Just Cause?

- 1. Was the Employee forewarned of the consequences of his or her actions?
- 2. Are the employer's rules reasonably related to orderly, safe and efficient operations?
- 3. Did the employer do a thorough investigation before initiating discipline?
- 4. Was the investigation conducted fairly and objectively?
- 5. Did the employer obtain substantial evidence of the employee's guilt?
- 6. Were the rules applied fairly and without discrimination?
- 7. Is the degree of discipline reasonably related to the seriousness of the employee's offense and past record?

FINAL THOUGHTS💡

