

GUIDELINES (for Union use)
Grievances re: Denial of requested information

Issue Statement: Did the Employer violate Contractual provisions, including but not limited to, Articles 3, 5, 17, and 31 of the Collective Bargaining Agreement; and the National Labor Relations Act, when they failed to provide the Union with requested necessary and relevant information for grievance #.....?

FACTS TO CONSIDER: (provide evidence as necessary)

- Is there proof the information was requested?
- Is the information reasonably necessary for collective bargaining purposes? Explain.
- Did management give reasons for failing to provide the information? Did they offer a reasonable alternative?
- Is this a companion grievance to a grievance the information is relevant to? If so, has a copy of this grievance been included with that one?
- Is there a history of this violation, making it flagrant, willful and knowing?

ARGUMENTS/CITATIONS:

- Remember, the union has the burden of proving the Contract was violated.
- Articles 17.3 and 31.3; Joint Contract Administration Manual: The steward has the right to information relevant and necessary for collective bargaining purposes, including the investigation and processing of grievances/problems.
- The NLRA, incorporated into the Contract by Article 5, assures Collective Bargaining rights, including the right to receive information.

REMEDY: (Remember, on page 41-15 of the JCAM the parties have acknowledged that compensatory remedies are appropriate in some cases.)

(1st time) Cease and desist; Provide requested information in accordance with Contract and Law; compensate each bargaining unit member with the equivalent of one pay period union dues for the flagrant violation; and/or other appropriate remedy.