

C. L. Gilmore
Safety

TEXAS CITY'S LABOR RELATIONS POLICY AND PRACTICES

Bulletin No. LR-3, (Revision)

November 3, 1960

C O N F I D E N T I A L

Subject: Grievance & Discharge Protest ProceduresFile: Article 30

This is a revision of the original bulletin on this subject which was published on May 23, 1958. Its purpose is to provide a more complete analysis of the grievance and discharge protest procedures with some explanatory notes and suggestions.

I. GENERAL

- A. Purpose - The purpose of the subject procedures as set forth in Article 30 of the Articles of Agreement is to provide an orderly means of settling promptly any dispute, complaint or grievance arising out of the interpretation or application of the terms of the contract.
- B. Time Limits - All time limits under these procedures are exclusive of Saturday, Sunday and holidays with the exception of the initial period under Step 1 in which "calendar month" is specified. The Company and the Union may agree to time limit extensions to take care of unusual cases. Such an extension should be for specific periods of time - which should be as short as practical.
- C. Scheduling Meetings - Meetings should be scheduled by the Company representative at each step. Normally, meetings should be scheduled at a time and date, (during regular business hours), which is mutually agreeable to the employee and the steward. If a mutually agreeable time cannot be established, the Company representative should schedule the meeting during regular business hours.
- D. Pay for Grievance Time - Aggrieved employees and their shop stewards are permitted to participate in grievance meetings during their regular working hours without loss of pay. Neither the aggrieved employee nor the shop steward should be paid for attending grievance meetings outside of their scheduled working hours unless his presence is requested by and it will be advantageous to the Company. To avoid misunderstandings, the aggrieved employee should be told if he wants to have a steward present, it is his responsibility to notify and have the steward present for his grievance meeting. Also, they should be reminded of these facts whenever a meeting is scheduled outside of their scheduled working hours, and whenever a meeting which started during working hours extends into an employee's or steward's off hours.
- E. General - Before answers are given on matters involving disciplinary action, contract interpretation, or company or plant policy they should be checked through the labor

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relations manager in the interest of plant-wide consistency. Also, when a decision will affect another department, supervision of that department should be consulted.

II. GRIEVANCE PROCEDURE

STEP 1 (Complaint)

Who Meets - Supervisor meets with employee and/or his steward.

Subject - Employee's complaint - any matter the employee feels needs adjustment.

Technically under the contract the subject matter is limited to those complaints which arise out of the interpretation or application of the contract. Most matters can fall within this classification. It is desirable in the interest of good employee relations for the supervisor to discuss all complaints with his employees. If necessary, the company can take the stand that a non-contractual complaint is not a proper subject for the grievance procedure at a later step.

When - Complaint must be submitted within one calendar month of occurrence of incident causing it. Meeting should be held promptly on request of the employee.

The supervisor should: take the time to have a formal meeting - normally within a day of request; be sure the employee has every opportunity to tell his complete story; get the facts - the who, what, when, how of the complaint; examine them from the employee's point of view; reserve judgment; control his emotions and those of the others in the meeting. If it appears the complaint will become a grievance, make a record of the facts and the positions taken for later reference.

Answer - Orally to employee (and steward if involved) within two days of meeting.

Before giving his answer, the supervisor should normally take advantage of the two-day period to check the facts and, if he feels it advisable, to seek advice and counsel of his superiors and/or the personnel department's labor relations section. (See E Answers, page 1).

APPEAL TO STEP 2

Who - Employee through his steward.

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How - In writing to superintendent

Technically any written statement of the grievance fulfills the contractual requirements. It is recommended however, that the steward be encouraged to use and sign the standard grievance form (Attachment A). In any event the Superintendent should use the form in answering and reporting the grievance.

NOTE: With the publication of this bulletin, the grievance form has been changed somewhat to provide a record of additional information. (Attachment A.)

When - Within 10 days of receipt of Step 1 decision. At this point the complaint becomes a grievance. If appeal is not made within 10 days, the Step 1 answer is considered final.

STEP 2 (Grievances)

Who Meets - Superintendent and supervisor meet with employee and steward.

Under Section 9 (a) of the TAFT-HARTLEY ACT, an employee has the right to present grievances to the company and have them adjusted (heard and answered) without intervention of the Union as long as the adjustment is not inconsistent with the contract and the Union has been given the opportunity to be present at the adjustment. If an employee requests that his grievance be handled without Union intervention, the labor relations manager should be notified before any adjustment of the grievance is made to assure proper notification to the Union.

Subject - Written grievance

When - Within 5 days of receipt of appeal from Step 1.

Answer - In writing, to employee, steward and Union, within 2 days of meeting.

As previously stated, the grievance and the Step 2 answer should be recorded on the regular grievance form (Attachment A). Copies should be distributed as follows:

1. Aggrieved employee (1)
2. Steward (1)
3. Union (2) - These copies should be sent under the standard covering letter (Attachment B) to the Business Manager, Texas City, Texas Metal Trades Council.
4. Personnel Records (1) - for employee's personal file.

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5. Labor relations manager (2) - with a copy of the covering letter to the Union.
6. Supervisor involved (1)
7. Plant manager, assistant plant manager, personnel director, plant engineer, manufacturing superintendent, manufacturing superintendent in charge of quality & control, superintendent of technical service, supervisor of material handling, superintendent of engineering services, and night superintendent. (1 copy each)
8. Anyone else the superintendent involved feels should have a copy.

APPEAL TO STEP 3

Who - The Union (Metal Trades Business Manager)

How - In writing - by letter - to the Company (labor relations manager).

When - Within 10 days of Step 2 decision. If appeal is not made within 10 days the Step 2 answer is considered final.

STEP 3

Who Meets - The Company (labor relations manager and usually the superintendent, the supervisor(s) involved) meets with the Union (Metal Trades Business Manager and usually Business Agent of union involved and the steward). Step 3 meeting arrangements are made between the Union and the labor relations manager. Normally, prior to the meeting, the case will be reviewed with the assistant plant manager.

Subject - The written grievance and Step 2 answer.

When - No contractual time limit for meeting but it should be held as promptly as practical.

Answer - Orally, by Company (labor relations manager) to Union (Metal Trades Business Manager) as promptly as practical - there is no contractual time limit other than the 30-day period for appeal to arbitration.

APPEAL TO ARBITRATION

Who - Either the Company or Union.

How - In writing, by registered mail to the other party.

When - Within 30 days of the original meeting under Step 3. The procedure for handling arbitration cases is set forth in Article 31 of the Contract.

III. PROTEST OF DISCHARGE PROCEDURE

General - Specific authorization by the plant manager or the assistant plant manager is required before any employee is discharged.

If an employee is discharged, the Company, within 3 days of his discharge shall, at his request, give him a written statement of the reason or reasons for the action taken.

Who Protests - The Union (Metal Trades Business Manager) may protest the discharge.

When - Within 10 days after the discharge.

How - By a letter to the Company (labor relations manager) requesting a hearing.

Meeting - The Company shall meet with the Union within 2 days after receiving the Union's request for the hearing. Both parties may present evidence supporting their positions.

Answer - The Company's decision should be rendered promptly. There is no specific contractual time limit, other than the 30-day period for appeal to arbitration. If it is decided that reinstatement of the discharged employee is warranted, he shall be reinstated to his former position without loss of seniority or vacation credits.

All other terms of reinstatement (such as pay for time lost, disciplinary suspension, etc.) may be agreed upon between the Company and the Union. If the Company does not agree to reinstate the employee....

APPEAL - The Union may refer the case to arbitration according to the procedure under Step 3 of the Grievance Procedure.

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MONSANTO CHEMICAL COMPANY
Texas City, Texas
Grievance Form

Grievance No. _____

I. EMPLOYEE'S NAME _____ Badge No. _____

Department _____

Statement of Employee's Grievance:

Contract Provision Relied Upon or Claimed Violated:

Remedy Requested:

Date of Incident Causing Grievance _____

Date of Step 1 Discussion _____ with _____
(Supervisor)

Date of Step 1 Answer _____

Signed _____
(Steward) (Date)

II. DATE GRIEVANCE RECEIVED: _____

Date of Step 2 Meeting _____

Those Present:

Decision:

Signed _____
(Superintendent) (Date)

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ATTACHMENT B

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(Letterhead)

Mr. Paul Teague, Business Manager
Texas City, Texas Metal Trades Council
P. O. Box 1149
Texas City, Texas

Dear Mr. Teague:

In accordance with Step 2 of Article 30, of our current Agreement the attached copies of the report on Grievance No. _____, are to advise you of the decision rendered.

Yours very truly,

(Superintendent)

Attachment

cc: Mr. Homer Ryan

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(Letterhead)

M O N S A N T O C H E M I C A L C O M P A N Y

Plastics Division
Texas City, Texas

Date-----

Mr. George J. LeUnes, Business Manager
Texas City, Texas Metal Trades Council
P. O. Box 378
Texas City, Texas

Dear Mr. LeUnes:

In accordance with Step 2 of Article 30, of our current Agreement, attached is a copy of a grievance dated _____, submitted by _____, and the decision rendered.

Yours very truly,

(Superintendent)

Att.
cc: Mr. D. F. Pierce

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(Use Ditto)

MONSANTO CHEMICAL COMPANY

TEXAS CITY PLANT

REPORT OF MANAGEMENT-LABOR RELATIONS

DATE: _____

EMPLOYEE'S NAME: _____ BADGE NO: _____

DEPARTMENT: _____ STEWARD: _____

SUBJECT OF DISCUSSION:

EMPLOYEE: _____

DATE: _____

DECISION RENDERED:

SUPERVISOR: _____

DATE: _____

FURTHER ACTION:

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