

Some tricks of the trade—Part 1



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Over the next few articles, I'm going to write about some things I've picked up and lessons I've learned in my nearly 40 years of investigating grievances. So if that's not your thing, go ahead and skip them; I won't mind. But if you are a new, or good as new, steward, maybe you'll find a few things you can use.

As a steward, you should know that when you are investigating a possible grievance, you have the right to interview any postal employee who might have information about the matter you are investigating. This includes managers, postal inspectors and Office of the Inspector General agents. You can also interview witnesses who are not postal employees. (This is all spelled out quite well in chapter 17 of the *Joint Contract Administration Manual [JCAM]* so I won't go into it here.) In this article I'm going to focus on interviewing postal employees although much of it is applicable to others as well.

Interviewing witnesses is one of the most important tasks of a grievance investigator. Many cases are won because the steward conducted thorough interviews of the witnesses; many are lost because a witness was skipped or the right questions were not asked. Knowing who to interview and what questions to ask is not an easy skill to learn, but with some guidelines and practice, anyone can improve.

Let's start with what a thorough interview is not: It is not simply asking the witness to write a statement. For the most part, witnesses don't know what to write. They don't know what's important and what's not. Unknowingly, witnesses often write things down that are detrimental to the case or are just plain wrong. Sometimes witnesses have difficulty expressing themselves in writing, and may have poor grammar skills or bad handwriting. So before putting a witness statement in the file, the steward should review it for accuracy, completeness, legibility, relevance and tone. The steward may have to ask the witness to rewrite it several times to get it right, which will not make the witness happy. Even so, while written witness statements may be helpful to a case, they are no substitute for a thorough and exploratory interview that is documented by ample note-taking.

Skilled interviewing is not just asking the witness to recall what they saw or heard; stewards have to know what's relevant to the matter and what's not. The importance of a witness's testimony may not be evident right away, so it's crucial the interview be detailed, complete and documented. Witnesses should be interviewed as soon as possible; as time passes, memories fade, information may be forgotten or perceptions distorted. The mind tends to fill in gaps of memory with logic or past experiences, so the longer witnesses have to reconsider events the more they

tend to do this.

It is important to prepare for the interview; don't just grab a pen and paper and start asking questions. Preparation will help keep you on course and increase the chances that you will explore the areas you want to cover. Start by researching the issues involved in the case. For example, if the case is about improper assignment of overtime, review the rules regarding overtime in the *JCAM*, the Materials Reference System (MRS) and the NALC grievance starters. The more you understand about the issues involved, the more you will know what information to seek and which witnesses to interview.

A good interviewer will ask questions in a way that doesn't feel like an interrogation but more like a conversation. A witness at ease will be more forthcoming. Questions should be clear so the witness understands them. Here are some important tips:

- Don't interrupt; the witness may forget to return to an important point.
- Ask one question at a time and allow them to answer. If you have a thought, jot it down and come back to it later.
- Pause between questions and make sure they are finished answering.
- Ask open-ended questions and avoid those that only require a yes-or-no answer. More information is obtained that way and it's in the witness's words, not yours. The answers are more precise and can often lead to other questions. Here are some examples of open-ended questions: "Tell me in your own words what happened?"; "What did you do next?"; and "How did that make you feel?"
- Encourage the witnesses to volunteer information without prompting by pausing, or looking at them quizzically, "Hmmmmmm." No one likes dead air and they may rush to fill it.
- Ask the witness to report all details, no matter how trivial they may seem.
- Don't signal by body language, or by stopping your note-taking, that what they are saying is not important. They will sense this and be less forthcoming.
- Ask them to mentally recreate the circumstances of the event, not only what happened but what they thought and how they felt at the time.
- When possible, take them to the location of the incident. This will likely trigger their memory and generate more information.
- Encourage witnesses to draw diagrams or maps showing where people were, what directions they moved, etc. Ask them to demonstrate actions they observed.
- Develop a game plan for asking questions and writing down the answers. (More on this in a future article.)

Next month I will talk about interviewing non-postal witnesses and the different challenges that presents. Until then, happy hunting.