

# Boston Carmen's Union, Division No. 589

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Boston, MA 02110

Phone (617) 542-8212 • Fax (617) 695-9982

## Member Notices: Delegate Denial

Date: 02/03/2021

To : Michael Coyne 482565

Re: Your Grievance

Pay while waiting for return to work physical. It is the operators responsibility to set up a return to work physical if they are out of work over 30 days. The area is not made aware of a return to work date unless the employee reaches out to their area and informs them they plan on returning. I understand your frustration with it taking 5 days to set up an appointment however the MBTA clinic has been short staffed due the pandemic. There is nothing that the MBTA violated in the contract and therefore i have to deny your grievance.

I have reviewed your grievance. Based on the evidence you presented with your grievance and my investigation, I have determined we can not prevail with your grievance. In accordance with Section 27c of the Local Union By-Laws you have the right to appeal this decision to the President/BA of Local 589.

*Section 27c: "When a grievance is determined to be, either by the Delegate or the Executive Board, non-sustainable or without merit, a letter shall be sent to the member at their address of record with the union. Such notification shall be sent by U.S. First Class Mail, informing the member of such a determination. The member shall have the right to appeal such determination to the President/Business Agent. Such right of appeal shall be required by the member to be in form of a letter to the Recording Secretary of the union and must be received by the union within Thirty (30) calendar days from the day next following the date such a notification was sent to the member. Further, the letter of appeal sent by the member is required to be sent by U.S. Postal Certified Mail, return registered receipt requested".*

Fraternally,

*Patrick Hogan*

Pat Hogan

Division 3

Cc: J. Evers, President / Business Agent

Local 589 Recording Secretary