# Employee Representation #5

**Subject: Collaborative and Stable Arbitration Screening Process**
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**Submitted by: Local 200**

**WHEREAS,** Article XI, Section 7 of the Union's Administrative Policies & Procedures currently provides two levels of review for grievances considered for arbitration: first before an Arbitration Screening Panel, and second before the President, whose decision is final; and

**WHEREAS,** Article XIV, Section 1(m) of the Union's Bylaws provides that the President shall "consider and decide on appeals from Arbitration Screening Panels"; and

**WHEREAS,** the current AP&P provides that stewards rotate through Arbitration Screening Panel assignments from meeting to meeting based on regional rotation lists; and

**WHEREAS,** a standing Arbitration Screening Panel would promote greater consistency, continuity, and institutional knowledge in the review of grievances considered for arbitration; and

**WHEREAS,** a process in which a standing panel reviews appeals and makes recommendations to the President would add the benefit of experienced member input while preserving the President's decision-making authority under the Bylaws; and

**WHEREAS,** clearer and more stable arbitration screening procedures would help members better understand how cases are reviewed and how appeal decisions are made;

**NOW, THEREFORE, BE IT RESOLVED,** that Article XI, Section 7 of the Administrative Policies & Procedures is hereby amended to read as follows, with deleted text shown in ~~strikethrough~~ and new text shown in **bold underline**:

ARTICLE XI (AP&P) INDIVIDUAL EMPLOYEE REPRESENTATION AND ARBITRATION SCREENING

Section 7. Arbitration Screening and Appeal Procedures:

(a) There shall be two (2) levels of review of grievances considered for arbitration: the first before **a standing** Arbitration Screening Panel, and the second before the President,

**after review of the appeal and a recommendation from the standing Arbitration Screening Panel.**

(b) ~~An Arbitration Screening Panel is convened for each review. The Panel shall include at least two (2) stewards (chief stewards where possible) or former stewards, who are neutral and not connected with the grievance or the employer involved and a staff adviser. The Stewards shall rotate through this assignment from meeting to meeting, based on regional Arbitration Screening Panel rotations lists. (ER #8/2004, ER #4A/2012)~~ **A standing Arbitration Screening Panel shall be established. The Panel shall consist of ten (10) members who are current or former chief stewards or stewards. Members shall be appointed by the Union President and ratified by the Board of Directors. A staff advisor who is neutral and not connected with the grievance or the employer involved shall be assigned to the Panel.**

**(c) Panel members shall serve a term of two (2) years. No member may serve more than two (2) consecutive terms. After serving the maximum of four (4) consecutive years, an individual must wait at least two (2) years before being eligible for reappointment. Any vacancy on the Panel shall be filled for the remainder of the unexpired term using the same appointment and ratification process.**

(~~c~~d) Training will be offered to all stewards who wish to be selected for ~~Arbitration Screening Panels. Priority for selection to the Panels~~ **the Arbitration Screening Panel. Priority for selection to the Panel** will be given to stewards who have completed training.

(~~d~~e) Decisions of an Arbitration Screening Panel to deny arbitration of a grievance shall be appealable by the grievant(s) to the President within ten (10) calendar days of notice from the Panel. **Upon appeal, the standing Arbitration Screening Panel shall review the appeal and make a recommendation to the President.**

(~~e~~f) The second level of review shall be conducted by the President, and in the event the grievant is the President, by the Vice Presidents and Secretary. **In making the decision at this level, the President shall consider the recommendation of the standing Arbitration Screening Panel. If the grievant is the President, the Vice Presidents and Secretary shall consider the recommendation of the standing Arbitration Screening**

**Panel.** The decision at this level shall be final. (Section 7(e) Revised: BOD Meeting 5.18.19)

**BE IT FURTHER RESOLVED**, that the Union shall update and disseminate member-facing communications, internal procedure manuals, and training materials for staff and stewards to reflect the amended arbitration screening process, including the role of the standing Arbitration Screening Panel in reviewing appeals and making recommendations to the President.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon its adoption. The first members of the standing Arbitration Screening Panel shall be appointed by the President and ratified by the Board of Directors no later than January 1, 2027, to allow for an orderly transition to the amended process.

This resolution keeps the President as the final decision-maker on arbitration appeals, consistent with the Bylaws, while adding review and recommendations from a standing Arbitration Screening Panel before that final decision is made. Article XIV, Section 1(m) of the Bylaws provides that the President shall "consider and decide on appeals from Arbitration Screening Panels," and the current AP&P provides that stewards rotate through panel assignments from meeting to meeting. This amendment replaces that rotating approach with a standing panel of experienced stewards, with set terms and training priority, to bring more consistency, experience, and member confidence to the process.

**IMPACT STATEMENTS**

**Financial:** No fiscal impact

**Equity**: This resolution may have a neutral impact. Although it is possible that the screening panel would be non-representative of all union membership, this inequity may be balanced by ensuring that diverse perspectives are considered.

**Legal**: While there likely would be some benefits in consistency of review by having a permanent panel, we do have concerns about the volume of cases that must be screened and the ability of a permanent panel to perform all of the work that would be involved. If the expectation is for those on the panel to hear all cases, that could be considerable additional volunteer time for the panelists. Any reduction in the efficiency or responsiveness of the screening process could contribute to bottlenecks that slow the overall progression of cases. This resolution also removes the current language that

requires screeners to be neutral and not connected to the grievance, which could introduce bias to the screening process and risks decisions being made to advance or deny a grievance for personal reasons unrelated to the merits.

**Political**: No political impact