UFF PROPOSAL #2

JUNE 2021

Article 20

Grievance Procedure and Arbitration

This article shall remain unchanged except as to changes and modifications referenced below.

20.8 Formal Grievance Procedure.

E. Step 3 Arbitration.

(1). Filing. If the grievance has not been satisfactorily resolved at Step 2, UFF may, upon the request of the grievant, proceed to arbitration by filing a written notice of the intent to do so. Notice of intent to proceed to arbitration must be filed with the designated university representative within thirty (30) days after receipt of the Step 2 decision by grievant's Step 2 representative and shall be signed by the grievant and the UFF President or representative. The expiration of the thirty-day period shall be evidenced by a receipt executed by the office receiving the grievance, or by the date of mailing as determined by the postmark. The grievance may be withdrawn at any time by the grievant or by the UFF President or representative at any point prior to issuance of the arbitrator's decision. The parties shall stipulate to the issue(s) prior to the arbitration. In the event a stipulation is not reached, the parties shall provide their recommended issues to the arbitrator, who shall decide the issue(s) to be arbitrated based upon the submitted evidence ~~proceed to a hearing on arbitrability as described in Article 20.8(E)(4) below~~.

(2). Selection of Arbitrator. ~~Representatives of the University and the UFF shall meet within ninety (90) days after the execution of this Agreement for the purpose of selecting an Arbitration Panel of seven (7) members.~~ Once a grievance is escalated to Arbitration, the parties may confer to mutually agree on an arbitrator. Otherwise, the moving party shall file a request with the American Arbitration Association (AAA) for a Panel of arbitrators. Within fourteen (14) days after receipt of the Panel~~a notice of intent to arbitrate~~, representatives of the University and UFF shall meet for the purpose of selecting an arbitrator from the Panel. Selection shall be by mutual agreement or by alternately striking names from the Arbitration Panel list until one name remains. The right of the first choice to strike from the list shall be determined by the flip of a coin. ~~If the parties are unable to agree to a panel of arbitrators, they shall follow the normal American Arbitration Association procedure for the selection of an arbitrator. The parties may mutually select as the arbitrator an individual who is not a member of the Arbitration Panel.~~ The arbitration shall be held within sixty (60) days following the selection of the arbitrator.

~~(4). Arbitrability. Issues of arbitrability shall be bifurcated from the substantive~~

~~issue(s) and, whenever possible, determined by means of a hearing conducted by conference call. The arbitrator shall have ten (10) days from the hearing to render a decision on arbitrability. If the issue is judged to be arbitrable, an arbitrator shall then be selected to hear the substantive issue(s).~~