

Hello NWP Reps and Members:

Welcome to LR Chronicles number 11. This is part 2 of the full and complete explanation of "The Arbitration Process." The last LR Chronicles explained the NATCA internal process of taking a grievance to Arbitration. This version will explain the process that is followed once NATCA contacts the Agency to schedule the grievance for Hearing.

The Union's case advocate(s) for a particular grievance are selected by the National Director of Labor Relations, the RVP, the National LR Staff Representative and me, or a combination thereof. Typically, the case advocates are selected by our National LR Staff Representative and me. There are typically two case advocates assigned to a case. The Lead Advocate is called the "First Seat" and the other case Advocate is called the "Second Seat."

After the Union completes the vetting process as explained in my last LR Chronicles, the Lead Advocate for the case will contact the Agency's Lead Advocate to schedule the Hearing. There are three issues that must first be agreed upon among the Parties:

- The date(s) of the Hearing
- The Location of the Hearing
- The Arbitrator that will preside over the Hearing

The process for how these three issues are agreed upon, are covered in our collective bargaining agreement (CBA). The issue of date and location is covered in Article 9, Section 10 and Article 9, Section 11, Step 3. Both of these provisions state the same process, that being "...on a date and at a site mutually agreeable to the Parties." Normally, the location at which the grievance will be heard is the location where the grievance arose. Therefore, if it is a local grievance filed by an employee or the Union, it will be heard at the location of the facility. However, it does not need to be heard at that facility unless it is mutually agreed to by the Parties. One factor that may play into this decision is the availability of adequate and ample meeting space, or lack thereof.

Likewise, if the grievance was filed at the Regional or National level, then the venue for the Hearing will be at those locations, either, Vista, CA, or Washington, DC respectively. Again, the Parties can agree to a different location.

While the location can be determined exclusively by the Parties, of course, the date cannot be determined without first selecting and contacting the Arbitrator as well as the Court Reporter. There is a panel of three (3) Arbitrators in each FAA Region as well as a National Panel of three (3) Arbitrators. The process for selecting Arbitrators to all ten (10) Panels is covered in the CBA in Article 9, Section 9 and Article 9, Section 11, Step 2.

Additionally, the selection of the Arbitrator for any particular case is covered in our CBA in Article 9, Section 8, Step 3, Article 9, Section 11, Step 2, Article 9, Section 16a and Article 9, Section 16b. All of these provisions also state the same process. There are two ways to select an Arbitrator to hear a particular grievance. Either the Parties mutually agree to a specific Arbitrator to hear a particular grievance, or the Union's Lead Advocate and the Agency's Lead Advocate alternately strike names of Arbitrator's on our panel until one name remains. That is the Arbitrator that will preside over the grievance.

Once the Union contacts the agency to schedule a grievance for Hearing, the Parties will select the Arbitrator in accordance with the above process and then contact that Arbitrator as well as the Court Reporter for their available dates. As you can imagine, the coordination of available dates of four separate entities can take a while and can be quite an excruciating process. However, this is one of the most important parts of the process and must be done so that regardless of what happens after the date(s) is/are selected, such as a settlement agreement, without going to a Hearing, at least we have all of the date(s) coordinated for all entities.

How many days that are required for any particular Hearing depends on several factors including:

- Type of case (Disciplinary action or Contract Interpretation)
- What was the alleged infraction committed by the employee
- The number and reasons and/or specifications with which the employee is charged in the proposed disciplinary action letter
- If it is a contract interpretation case, is it multiple violations of our CBA/MOUs or just a single violation
- Type of violation(s)
- Number of Witnesses as well as estimated time for each witness to testify
- Stipulations (will be covered in my next two Chronicles)
- Threshold issues (will be covered in my next two Chronicles)

Once the date(s) is/are coordinated and the date(s) is/are solidified, then the coordination continues between the NATCA and Agency Advocates. This next step will be covered in my next LR Chronicles which will also cover issues prior to the actual Hearing.

As usual, if there are any questions, please feel free to contact me.

In Solidarity,

Mike Hull
NWP LR Lead