

Hello NWP Reps and Members;

Welcome to the "LR Chronicles" installment number 3. This third installment is important for the membership at large to know and understand in order to answer the many questions that may arise.

This installment has to do with what happens to a grievance once it leaves the facility level. Once a grievance is fully acted upon at the local level, the FACREP or his/her designee then submits a letter to the FAA at the regional level asking that it be reviewed by the Air Traffic Division Manager or his/her designee. That letter is sent via certified mail, return receipt requested. This is all done in accordance with Article 9, Section 8, Step 3 (employee filed grievance) and Article 9, Section 11, Step 2 (Union filed grievance at the local level). The FACREP includes this letter as part of their grievance package and enters all documents on NATCA's Grievance Automated Tracking System (GATS) from the time the grievance is filed.

The agency then is supposed to answer that grievance within twenty (20) calendar days of their decision at the regional level. Please keep in mind that although our collective bargaining agreement states the word "shall" and the word "will" regarding answering grievances, sometimes the agency just does not answer them or does not answer them within the time limits outlined in the collective bargaining agreement. Therefore, we have a way to elevate those grievances not answered. It is contained in Article 9, Section 14, which states "Failure of the agency to render a decision within any time limits specified in this procedure shall entitle the grievant to progress to the next step without a decision."

Once the grievance reaches the regional level, then we await the response from the agency. If we receive a response from the agency and we, at the regional level are not satisfied with the response, we immediately elevate that grievance to the national level for arbitration. If no response is received from the agency within the established time limits, then we elevate those grievances automatically to the national level for arbitration, as per Section 14 as stated above.

Once the grievance is elevated to the national level, that grievance is recorded at the regional level on our "master grievance list". The master grievance list is a list of all outstanding grievances that have been filed and elevated for arbitration to the national level. The Western Pacific Region RVP has delegated to me the responsibility of maintaining the list and prioritizing all of the grievances on that list. I have, in turn, asked Scott Conde (FACREP of ZOA) to take control of the master list and he has done an absolutely phenomenal job with it. As of right now, there are approximately 13,000 grievances on that list and it is an overwhelming task but Scott has been brilliant in keeping that list up to date.

Then, the grievances on the master grievance list are prioritized as to which ones should be the first to go to arbitration. The FACREP, Regional LR Lead, RVP and our National LR Staff Representative (Melinda Kim) as well as Scott Conde are involved in the prioritization of grievances on the list.

Once the grievances are prioritized, me, Melinda Kim and Scott Conde look at each individual grievance in order to determine several factors. Those factors include:

- Look at the merits of the grievance objectively and fairly to determine what, if any chance we have at prevailing in an arbitration hearing;
- What documentation do we have that supports our case;
- What documentation do we have or what documentation the agency may have that would support their case;
- Determine what, if any effect a particular grievance has on the membership or the Union as a whole;
- Determine who our witnesses would be and whether or not they would be available to testify;
- Cost of arbitrations hearings vs. ability to prevail.

After this discussion is complete, I notify our RVP of our findings and get any input he may have regarding our findings and then we re-prioritize, if necessary. Then we contact the advocate for the FAA to schedule those grievances for arbitration.

Just so you know, it takes between 6 and 8 thousand dues dollars to take one grievance to an arbitration hearing. As you can see, this must be a factor in our process.

If there are any questions regarding this very important process, please contact your FACREP.

Thank you very much for your time and attention.

Mike Hull
NWP LR Lead