

September 13, 2017

TO: IUE-CWA Local Union Presidents
FROM: James D. Clark, Division President
RE: Arbitration Costs Policy

Since the merger with CWA, Local Unions are eligible to have certain costs for arbitration paid by IUE-CWA. What follows is an explanation of how the policy works.

Who is eligible?

In order to have the costs paid, the final decision about whether or not the case warrants arbitration must be made by the Division.¹ Historically, in most IUE Locals this decision resided with the Local, who paid the costs associated with the authority to decide.

What costs will the IUE-CWA pay?

For Locals that subscribe to the policy, the administrative fee for the American Arbitration Association, the Federal Mediation and Conciliation Service or other administrative agency is covered, along with the Local's share of the arbitrator's fees and expenses for arbitrating the case. Also included are any costs for the hearing room rental. Court reporter's fees are not paid without special advanced approval for unique cases. The Local remains responsible for lost time for witnesses and officers in preparing for and attendance at the hearing.

How will the decision about arbitration be made by the Division?

If a Local Union decides to participate in this arbitration costs procedure, the final decision on whether to arbitrate must be made by the Division President. In order to expedite the decision process, I have authorized the IUE-CWA Legal Department to review the cases initially on my behalf.² Of course, the Local continues to maintain the responsibility to evaluate, prepare, and document all cases in the first instance. When the Local's recommendation is to arbitrate, that recommendation, along with all supporting materials, must be provided to the Legal Department, who will determine whether or not to approve arbitration.

What happens if the Legal Department denies the request of the Local for arbitration?

Either the Local or the grievant may file an appeal within thirty (30) days to me, as the Division President, challenging the Legal Department's decision not to arbitrate. If the I sustain the

¹ Locals that participate in the 70 - 30% split in per capita are not eligible to participate for any units so covered. The basis on which 70 - 30% units receive a greater portion of the per capita is that the Local, not the Division, provides full service to the unit, including arbitrations.

² The exception is for the GE & Aerospace Conference Board units, where the decision will continue to be made by the Chairman of the Conference Board.

decision not to arbitrate, then the CWA Internal Appeals Procedure for Arbitration Complaints is utilized to challenge that decision. (A copy of the complaint procedure is enclosed.) If a complaint is filed, it is initially reviewed by the CWA President, with subsequent appeals permitted to the CWA Executive Board and, in some instances, to the CWA Convention under Article VII. Section 1. Paragraph (b) of the Constitution. In the event a Local or grievant invokes this procedure, the Local Union must ensure that the grievance remains active until such time as a final determination is reached.

How will expenses be paid?

Authorized and covered expense invoices should be submitted to the IUE-CWA Legal Department who initially approved the arbitration. The Legal Department will process the expenses to the CWA for final payment. Payment will be directly from CWA accounting to the vendor. Except in unusual circumstances, Locals should not pay vendors and seek reimbursement for the expense.

Are Locals required to participate in this arbitration cost process?

No. The decision to participate in this process is entirely voluntary. No non-Conference Board Local is required to share its authority concerning arbitration decisions with the Division.³ If Locals determine to retain the authority over arbitration decisions, they simply do not sign up. The Local then remains responsible for final determination, as well as paying the costs associated with that authority. When possible, the Division continues to provide staff representatives to arbitrate for Local Unions who choose not to participate in the policy.

While these procedures and concepts are different from pre-merger, I believe that this process represents an excellent benefit derived from our merger with the CWA. Not only do Locals now have the opportunity to reduce their costs associated with arbitration — costs some employers utilize as a weapon against legitimate grievances — but Locals can also benefit by receiving an independent evaluation of the merits of cases that are submitted to the Division for arbitration. Please complete the enclosed form if you desire to participate in this program to have certain arbitration costs assumed by the IUE-CWA.

If you have any questions, please contact the Legal Department.

Enclosures

c: Joseph Giffi
Kenneth Ream
IUE-CWA Staff Representatives
Casey Whitten-Amadon
Robert Holt

³ Again, because of their national contracts, the GE & Aerospace Conference Board units are the exception.

TO: Carl Kennebrew, President
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ARBITRATION COSTS POLICY

Local _____ has reviewed the IUE-CWA policy on eligibility to have certain costs of arbitration paid by the IUE-CWA. Local _____ hereby requests to participate under this policy and acknowledges that by participating, the Local is authorizing the final decision to arbitrate a case to be made by the Division, subject to appeal rights under the CWA Internal Appeals Procedures.

Date

President

c: Regional Director
Staff Representative