

FILING FOR ARBITRATION

Once a denial (or partial denial) at the final grievance level is received, the contract provides a specific time within which the union may file a demand for arbitration. In both LSSA contracts, the union has ten (business) days, i.e. two weeks. Each contract also contains a clause specifying the American Arbitration Association as the sole agency for arbitrations under the contract.

The contract also allows the union in certain cases to invoke expedited arbitration, since a hearing may otherwise be months away. The proceeding is expedited by the assignment of an arbitrator at random. The usual process is that a list will be provided to both parties and each will have an opportunity to strike the names of arbitrators it wishes to eliminate from consideration. The parties can also stipulate to a particular arbitrator if there is one to which they can agree. If expedited arbitration is being invoked, the union will need to say so in the initial filing.

Within the time allowed for filing an arbitration demand, the Executive Committee will need to vote on whether LSSA wishes to proceed to arbitration. Approval from NOLSW is not strictly required, but if, and only if, such endorsement is sought and obtained, NOLSW will pay for the costs of the arbitration.

The filing itself is minimalist and straightforward. Generally, the AAA requires three things at the time of filing, and one of these is payment of the filing fee. In the case of LSSA, they will bill us for the fee, so only two things are required at the time of filing. One of these is a copy of the contract clause designating AAA as the arbitrator. Optionally, a complete copy of the CBA in question may be provided. The third, and most substantial requirement is a demand for arbitration containing certain information. The demand may be filed on a form provided by the AAA on their website at www.adr.org. (the dr stands for dispute resolution), but it can also be in letter form. LSSA has a basic model demand letter and examples thereof from prior arbitrations in the union computer and here attached. That is all that is needed. Even a copy of the grievance decision over which the union wishes to arbitrate is not required at the time of filing.

The AAA provides for filing by mail, e-mail, or direct from their website. However, filing in person allows us to get a stamped copy that should immediately obviate any and all concerns about being able to show later that a proper filing was made and accepted, and when. This can be reassuring when filing late in the ten business days allowed by the contract. AAA has their offices in the Paramount Plaza building occupying the west side of the block at 1633 Broadway (between 50th and 51st Streets), atop the 50th Street station on the 1 train. Go to the front desk for a visitor pass, then take the first elevator bank to the 10th Floor.

Confirmation from the AAA may generally be expected within 48 hours of filing.

After filing, a copy of the arbitration demand should be served upon the employer as soon as reasonably possible.