

## ALTERNATIVE DISPUTE RESOLUTION

Often disciplinary actions do not require a full day to arbitrate. Formerly these grievances had to be scheduled as full-blown arbitrations.

### **Non-Traditional Arbitration:**

Except for patient/client related cases, disciplinary grievances of five (5) days or fewer must go to non-traditional arbitration. In a non-traditional arbitration, the arbitrator renders a bench decision at the hearing. In disciplinary grievances adjudicated in this forum there shall be no mediation and the parties may have one witness each. The non-traditional arbitration procedure has the following advantages.

- More than one grievance can be scheduled per day, usually more than 10 cases will be scheduled per day;
- You will leave the hearing with a decision on the grievance;
- Grievances can be scheduled in a more timely manner;
- OCSEA chapters will be better able to tell when their outstanding disciplinary grievances will be arbitrated.

The Union and the Office of Collective Bargaining may jointly decide to take issue grievances to a non-traditional arbitration process.

**Q: What is the difference between a non-traditional arbitration and a full-blown arbitration?**

A: In a non-traditional arbitration the arbitrator has the same authority to uphold, deny, or modify the relief sought in a grievance in any of these arbitrations. These grievances shall not be mediated. If witnesses are required to present facts, under the non-traditional arbitration process the Union and the Office of Collective Bargaining can call one witness each. The arbitrator can arbitrate more than one grievance in a day. NTA decisions do not carry the precedential value that full blow arbitration decisions do.

In a full-blown arbitration, the hearing may take one or several days, and only one grievance will be scheduled typically. Unless specifically ruled upon by the arbitrator or mutually agreed to by the parties, there is no limit to the number of witnesses which each party can call. In a full-blown arbitration, the arbitrator has up to 45 days to render a decision.

**Q: May I take removal grievances to non-traditional arbitration?**

A: No. Only disciplines involving suspensions and working suspensions can be scheduled. If a grievant has more than one disciplinary grievance, they can all be handled on the same day. Also, the employee who was removed could request that the Union take his/her removal to expedited or non-traditional arbitration, but both the Union and the Office of Collective Bargaining would have to mutually agree.

**Q: What are some other benefits of Alternative Dispute Resolutions?**

A: The non-traditional arbitration procedure has a significant impact on reducing the disciplinary grievance backlog because these disputes will be scheduled and/or settled more quickly.

**Q: Where are the hearing sites for the Alternative Dispute Resolution hearings?**

A: Hearing sites are decided based on the geographic location of the grievances scheduled for the day. When grievances come from institutions or large facilities, the parties frequently choose to hold the hearings at the same work site; however, based on the OCSEA Central Office evaluation of the grievance, the Union may decide to arbitrate the grievance(s) elsewhere including at the OCSEA Central Office. The hearing sites are determined by mutual agreement between the Union and the State. The goal is to reduce the required travel time for the grievant and related witnesses if such action is not contrary to the Union's overall arbitration strategy.