

Memo

To: CAAT(A) Local Representatives
From: Laurie Chapman
CC: CEU Grievance Officers with CAAT assignments
Date: May 19, 2009
Re: CAAT(A) EXPEDITED ARBITRATION SCHEDULING

Article 33 sets out the Expedited Arbitration Process where the referring party (usually the Union) indicates in the referral to arbitration notice that they want to use the Expedited Process set out in Article 33:01. If there is no agreement, the default process is Article 32:03. Assuming agreement exists, the Article 33 process contains the following elements (with some flexibility):

- The parties have 5 days to select an arbitrator from Art. 32:03A list **OR** Art. 33:02A (ii) list **OR** by lot from Art. 32:03A (if no agreement).
- Agreement on # of hearing days is required – if no agreement, the Arbitrator sets 2 days to start.
- Parties may agree to have more than one grievance heard at the same time.
- Jurisdictional objections have to be raised 7 days before the hearing in writing – if no timely notice; no further objection may be raised.
- Party carrying the burden of proof must furnish a written brief to the other party setting out the facts they will rely upon and its position no later than 14 days prior to hearing.
- All disclosure must be provided at least 7 days prior to the hearing
- Decision to be issued within 45 days.

PROCEDURE

Purpose: To ensure a reliable chain of communication between the CAAT (A) Local and OPSEU's Grievance Unit with respect to management of expedited arbitration cases. A separate process for the expedited case is helpful because:

- Expedited arbitrations are not handled through the Grievance Scheduling Committee process.
- All or most CAAT Locals will expect the Grievance Unit to assign a Grievance Officer or outside counsel to represent them at an expedited arbitration
- Jointly the locals and union advocates need to prepare well in advance to meet the time lines. For example, a written brief is an integral component of the process and can require considerable preparation time (Article 33.04 A).

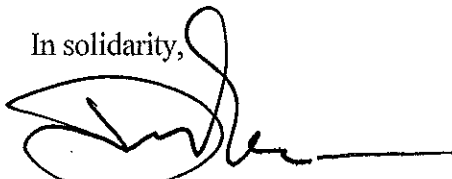
- It is desirable for the Union to have a reliable record of how frequently the Expedited Arbitration Process is being utilized across the system.

Accordingly, the following procedural guidelines should apply:

- 1) The Local consults with and/or involves the Grievance Officer assigned to their Local early in the process, pre-scheduling, for input about the process including groupings of grievances (Article 33.02B) and number of hearing dates to be initially sought (Article 33.02 A (iii)). The Grievance Officer can also provide input about the selection of the arbitrator.
- 2) The Grievance Officer and the Local will also discuss dates within the parameters of Art. 33:02 A (iii). In this way the Local can be setting dates that facilitate the continuity of the union advocate on related cases.
- 3) As soon as a date is set by the Local, it will:
 - a) forward as complete a file as possible to the assigned Grievance Officer and identify the Local's contact for follow up.
 - b) advise the Grievance Officer of any additional production/disclosure issues that may require attention in advance of the hearing (Article 33.04 C).
 - c) advise the Grievance Officer of any preliminary objections that have been raised by the other party (Article 33.03).

In instances where the Grievance Officer's voice mail or email indicates that (s)he is away from the office for more than a few days, it would be helpful for the Local to also call the Grievance Unit's general line (extension 8711) to let us know that assistance/input may be needed before the Grievance Officer returns.

In solidarity,



Laurie Chapman

A/Supervisor, Contract Enforcement Unit