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USFS Forest Service Council

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Mark Davis, President

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To: NFFE FSC Executive Board and Local Presidents

The FSC Grievance Committee serves as the legal staff of the FSC Executive Board on national issues, provides assistance to Local Lodges in processing grievances, appeals, and arbitration actions, and makes recommendations on cases to the Executive Board. The attached document "How to Request Arbitration Assistance from the FSC Grievance Committee" is being provided as a tool in order for the Grievance Committee to be able to adequately provide technical advice on cases.

Local officials who need assistance on grievances and appeals should work first with their Local President and their Council Vice-President. To ensure that cases are adequately prepared, you are encouraged to begin the grievance process early on. It is more effective to prepare properly from the beginning, then to spend valuable time trying to fix a grievance that has been filed.

Every grievance must be carefully considered and the questions below must be addressed:

1. Specifically, what contract section, law, rule, regulation, or policy has been violated?
2. What objective evidence do you have to sustain your position on the grievance?
3. Are there effective, legal remedies available?
4. How does this issue affect the bargaining unit and the Union?
5. Does your Local have enough money to support arbitration? The average arbitration hearing costs are between \$2,500 and \$7,000.

If your Local needs support beyond what the Local/CVP is able to provide, the Grievance Committee can provide advice on cases. Additionally, if your Local does not have the funds needed to go to arbitration, you may request financial assistance submitted through the Grievance Committee (see more info below). The Council makes the final decision on supporting arbitration cases.

Please distribute this to your Local Officers and Stewards and file for future reference. This document will also be available on the NFFE FSC website in the Grievance section and available to those who have access to the FSC Grievance email database.

Nancy Soriano
NFFE-FSC Grievance Coordinator

How to Request Arbitration Assistance from the FSC Grievance Committee

Locals that need technical advice and/or financial assistance from the NFFE Forest Service Council Grievance Committee must make a formal request to the Grievance Committee Chairperson and Coordinator (Lonnie Lewis, Chair; Nancy Soriano, Coordinator).

The following information is required when making a request:

1. Brief summary of the case which will include the primary issue(s) and a chronological listing of events (timelines).
2. Complaint form originally filled out by employee (standard complaint form).
3. Documentation of the original issue which gave rise to the grievance; e.g., disciplinary letter, decision on a leave request, etc.
4. Type of request for assistance (choose one or both):
 - a. Advice on case.
 - b. Technical assistance in presenting the case.
5. If your Local is requesting financial assistance for arbitration, what are the current financial assets of your Local (include all bank accounts)? Provide this in a dollar amount.
6. Step 1 Grievance, which specifically details the article(s), law(s), rule(s), regulation(s) that have been violated.
7. Agency response to the Step 1 Grievance.

Important - Upon receiving management's response to the Step 1 Grievance, if you are considering the Grievance Committee's assistance in any way, you must provide all information to the Committee **21 days prior to the Step 2 Grievance being filed**. This allows the Committee to assist Locals with issues that may require more time to obtain further information on the case and assist with the writing of the Step 2 Grievance.

If a Step 2 Grievance has been filed prior to requesting the Committee's assistance, continue providing the following information:

8. Step 2 Grievance.
9. Agency response to the Step 2 Grievance.
10. All requests for time extensions by either party include responses to these requests (critical information).
11. All documentation used in support of the Step1/Step 2 Grievances.
12. All documentation management supplied in response to the Step1/Step 2 Grievances.
13. Requests for information and responses.
14. Witness statements.
15. Any correspondence or e-mail among Union, employee, management outlining the issues and positions taken in the grievance process.

All documentation must be provided in a single e-mail message to the FSC Grievance Committee Coordinator. If there is e-mail documentation, it should be saved as a file and attached to the request for assistance. Incomplete requests may result in the Committee denying the request for assistance simply based on lack of adequate information.

Upon receiving the case documents and request, the Coordinator will review all files and if there are questions that need answers, an email will be sent to the contact person for the Local. It is expected that answers will be provided quickly, 1 to 2 days. Upon the Coordinator releasing the case to the Grievance Committee, more questions may be asked of the contact person and quick turnaround is required.

The Grievance Committee normally has 10 working days to review cases. Recommendations are compiled and provided to the Council for vote at their regular monthly meeting.

Timelines are critical and must be tracked by the Local. This includes: grievance filing & management responses; requests for info & responses; invoking arbitration, etc. The Committee Chair and Coordinator will work with you to make sure timelines are recognized.

How to Invoke Arbitration

NFFE MASTER AGREEMENT, ARTICLE 10 - ARBITRATION:

Read Article 10, it is important to understand how to invoke arbitration.

Once Article 10 has been reviewed, go to the Federal Mediation and Conciliation Service (FMCS) website @ www.fmcs.gov

You will need to obtain a FMCS account. Proceed according to directions on the website. Also, your Local will need to pay \$30.00 to invoke the arbitration. The most common option for payment is using a credit card. The credit card holder can be reimbursed by the Local's Secretary-Treasurer. Keep all receipts for the record.

Use of your FS email account is appropriate when entering information at FMCS. Upon completion of required information, you will receive an email. The FMCS will include a listing of seven (7) arbitrators and this is the information that you will forward to the appropriate management official, this invokes arbitration. **Be sure to add: 'Article 10 – Arbitration, Invoking Arbitration' in the subject line of the email notifying management.**