

Office of General Counsel Arbitration Policy

Purpose: To provide fair and equitable legal services to members and to establish a clear policy for arbitration requests.

1. Locals will take whatever action is necessary to protect any contractual timelines, including filing for arbitration.
2. Locals will submit the case to the Office of General Counsel for review and assignment to an Assistant General Counsel (“AGC”).
3. Locals may be asked to request an arbitrator's list and submit the list to the assigned AGC for assistance in selecting an arbitrator.
4. Should the case be found to lack merit, the reviewing AGC will provide the Local President and the Grievant written notice of the deficiencies of the case.
5. Upon receipt of the deficiency notice, the Local President and the Grievant will be given a reasonable period to provide additional information and/or to discuss the case with the assigned attorney.
6. Should the case continue to lack merit, the reviewing AGC, upon approval of the General Counsel or Deputy General Counsel, shall issue a written notice to the Local President and Grievant explaining the OGC’s decision to deny representation. Should representation be denied, the General Counsel may grant a waiver to retain outside counsel upon written request. The National will not be responsible for any costs or fees associated with the arbitration.
7. The General Counsel’s decision to deny representation may be appealed to the National President. The National President may (1) decide the matter on the record or (2) conduct an investigation at his discretion. A hearing officer will be appointed by the National President if he deems an investigation is necessary. The hearing officer shall submit a Report and Recommendation to the National President for a final decision on the Appeal.
8. The Local or Grievant must notify the assigned AGC within seventy-two (72) hours of the date of the decision of their intent to appeal the OGC’s decision to deny representation.
9. The Appeal must be in writing and mailed or personally delivered to the NAGE Office of General Counsel, 159 Burgin Parkway, Quincy, MA 02169, within five (5) calendar days of the date of the OGC’s denial of representation.

10. The Appeal shall set forth a complete narrative as to the facts in support of the grievance, a copy of the local collective bargaining agreement, OGC's decision denying representation, and all documents necessary for an understanding of the case.
11. Where the appeals process has exceeded a four-month lapse of time, the Grievant may file a complaint (if applicable) with the National Labor Relations Board in accordance with Section 101(a)(4) 1 of the Labor-Management Reporting and Disclosure Act (LMRDA).
12. This policy shall take effect immediately.

Dated: August 25, 2023

Signed,



Sarah Suszczyk
General Counsel