

FSW Function Report

Name and Title: Michelle Alaimo Grievance Co Chair

UPTE Arbitration Training

May 17 – May 18 2014

What was the purpose/goal of the function?

Learning the Arbitration process from start to finish. This training was also a pilot project of UPTE's . They plan on taking this training on the road to other CWA locals across the country.

What did you learn and/or what significant information was shared at the function?

Some to the training was geared towards the UPTE process but Evelyn and I were able to figure out where FSW's process would apply. Learned how arbitrators are picked and that there is a timely process for scheduling an arbitration date once a grievance has moved to arbitration. FSW will need to start being more aggressive about getting arbitration dates. I did not know that some arbitrators use court reports while others rely on taped transcripts. They taught us who could be present, how the room is set up (where people sit), and who pays for arbitration. ALJ's have their own set fee and the expense is usually share equally between the Local and management.

Trainers taught us about what is actual evidence, what is hearsay, how to do cross examination and how to obtain and submit documents. What witnesses we should and should not use and how to prepare (prep) them for the arbitration.

Learned how to write an opening statement (Theory), is should be short and to the point. Simple enough for a 10 year old to understand.

Closing arguments and been done end the end of the arbitration but most chose to submit a written brief. It is the presenter's option of which to do, whatever they are more comfortable with.

Day two we all participated in a mock trial that was actually over seen by a real ALJ. This was very helpful. The start of the day we split into two groups, one Labor one management to prepare our case. During this time we hashed out amongst our own group what we thought happened and how we should proceed.

Sometimes it got a little heated because some people have done arbitrations before, they were strong willed and thought there way was right. Then we moved on to the actual hearing and learned who can talk and when. We were also given a list of when you can object and for what reason.

Who wins? At the end of the day it comes down to contract interpretation and who was more persuavtive. Sadly management wins 2/3's of the cases where it comes down to contract interpretation.

This is my second arbitration training. I think if the first one I went to was combined with the second one I went to it would be a perfect training. I learned things in both trainings that will help me as a grievance co chair to help prepare both 3rd Steps and Arbitrations for FSW.