

FREQUENTLY ASKED QUESTIONS

1. When can I file a grievance?

The Collective Bargaining Agreement, Article 28, Section 1 (Scope), reads as follows: "Grievances are limited to matters involving interpretation of this Agreement including all matters of discipline, and grant or termination of Heart & Lung Act benefits, compensation and reimbursement under FR 4-1, Loss of or Damage to State Property and Equipment if in excess of \$250, and FR 5-1, Travel and Subsistence." Grievances must fall under one of the above categories.

2. How do I file a grievance?

Grievances must be submitted in writing in accordance with the Collective Bargaining Agreement and the PSTA Guidelines. Step One grievances must be submitted to the Troop Commander/Bureau Director. Step Two grievances must be submitted to The Governor's Office of Administration, Bureau of Labor Relations. In both cases, a copy of the grievance must be furnished to the PSTA.

Specific instructions on how to file a grievance and how to complete a Grievance Form can be obtained at www.psta.org.

3. Where do I send my grievance?

For Step One Grievances, provide the Grievance Form to your Troop Commander/Bureau Director; and provide a copy of the Grievance Form, The Grievance Summary Form, and all required information to: PSTA Grievance Board, 3625 Vartan Way, Harrisburg, PA 17110.

For Step Two, provide the written Step One response with an indication that you are appealing the Step One decision to Grievance Coordinator, Bureau of Labor Relations, 404 Finance Building, Harrisburg, PA 17120; and provide a copy of the appealed Step One decisions to the PSTA, at the above address.

Always keep in mind that time limits are strictly adhered to. It is the grievant's responsibility to adhere to the imposed time limits.

4. What is Step One? What is Step Two? What is Step Three?

The grievance process is a three step procedure. Step One is a review of your grievance with your Troop Commander/Bureau Director. If the grievance is not resolved to a member's satisfaction, they can appeal to Step Two.

Step Two is a review of your grievance by the PSTA Grievance Board. The Grievance Board reviews all grievances received. If the Board deems that the grievance has merit, the Board will then review the grievance with

representatives from the Governor's Office of Administration; and/or representatives from the Department's Bureau of Human Resources, Labor Relations Division; and/or representatives from the Department's Discipline Office. During the review, the Grievance Board attempts to resolve Step Two grievances. If the grievance is not resolved, the board can appeal to Step Three. The decision of the Board, as to whether or not to appeal to Step Three, is final.

Step Three is an arbitration Hearing. An existing panel of arbitrators hear all Step Three Grievances. A PSTA Solicitor represents the member. The arbitrator's decision is final.

5. What happens at a Step One Hearing?

After a member has provided a written grievance to their Troop Commander/Bureau Director, within ten (10) calendar days, the Troop Commander/Bureau Director or his/her designee shall conduct a hearing and provide a written STEP 1 decision to the member or the PSTA representative.

The member may elect to have a PSTA representative at the hearing, and is advised to do so. The grievant and/or the PSTA representative provide information concerning the alleged violation of the contract. The Troop Commander/Bureau Director will either affirm or deny the grievance.

Upon receipt of the written Step One decision, a member may, **within five (5) calendar days**, appeal the decision to Step 2. Instructions as to how to appeal to Step Two are provided at www.psta.org.

6. What happens at a Step Two Hearing?

After the member has provided an appeal to the Step One decision, or if a grievance is properly filed directly to Step Two (i.e. discipline grievances and Heart & Lung Act grievances), the PSTA Grievance Board will meet and review the grievance. The PSTA Grievance Board considers all information provided by the grievant and any other information the Board deems relevant. After reviewing the grievance, the Board will make a determination to accept or deny the grievance.

If the Board elects to deny the grievance, the grievance will be considered closed. The decision of the Board is final.

If the Board elects to accept the grievance, the Board will negotiate the matter with representatives from the Governor's Office of Administration; and/or representatives from the Department's Bureau of Human Resources, Labor Relations Division; and/or representatives from the Department's Discipline. During that negotiation, the Board may elect to accept a settlement, or have the grievance proceed to Step Three.

If the Board accepts a settlement, a letter of agreement will be executed and the grievance will be considered closed. The decision of the Board is final.

If the Board elects to have the matter proceed to Step Three, an arbitration hearing will be scheduled, and the grievance will be resolved by arbitration.

7. What happens at a Step Three Hearing?

A sitting panel of arbitrators has been selected from lists provided to the PSTA and the Commonwealth, by the American Arbitration Association. An arbitrator will be selected from the panel to conduct an arbitration hearing. At the arbitration hearing, the grievant will be provided a solicitor by the PSTA. The arbitrator will consider evidence and testimony provided by the PSTA and the Commonwealth. After the hearing is closed, the arbitrator will provide a decision concerning the grievance. The decision of the arbitrator is final.

8. How long do I have to file a grievance?

For discipline grievances, the member has fifteen (15) calendar days from the date of the issuance of the Notice of Disciplinary Penalty to file a grievance.

For contract interpretation grievances, the member has fifteen (15) calendar days from the date of the alleged violation of the contract, or when the member became aware of the alleged violation.

For appeals to Step Two, the member has five (5) calendar days from the date of receipt of the written Step One response.

IMPORTANT: The completed grievance form must be postmarked or hand delivered within established time limit. Failure to comply with the established time limit will result in your grievance being denied.

9. What is the PSTA Grievance Board and how are they appointed?

The PSTA Grievance Board is made up of five (5) active members of the Pennsylvania State Police. Although not required, they are usually officers in their local lodge.

The Board receives and reviews all grievances. The Board meets, usually monthly, to review grievances with representatives of the Commonwealth.

The PSTA Grievance Board is appointed by the PSTA President, with the approval of the PSTA Board of Directors.

10. How long does it take to learn the results of my contract interpretation grievance?

The amount of time a grievance remains open varies greatly, depending on the nature of the grievance, the results of the Step One hearing, the results of the Step Two hearing and the availability of arbitration dates for a Step Three hearing.

For instance, the Grievance Board usually meets monthly to review grievances. If the Board elects to proceed to Step Three, a hearing must be scheduled. Depending on arbitrator availability, advocate availability and the number of existing pre-scheduled arbitration hearings, it could take as long as three or four months to schedule a hearing date. Once the hearing is closed, a decision is usually rendered within 30 days, or 30 days from the date that written summations are due.

11. How long does it take to learn the results of my discipline grievance?

The Grievance Board usually meets monthly to review grievances. If your grievance is settled at Step Two, you will receive a copy of the executed letter of agreement regarding your grievance within one month from the date the Grievance Board settled your grievance.

If your discipline grievance proceeds to Step Three, the Commonwealth has sixty-one (61) calendar days from the date the member was issued the Notice of Disciplinary Penalty to have an arbitration hearing. If written summations are submitted, they must be received within 10 days from the close of hearing. The arbitrator must render a decision within ten (10) days of the close of the hearing or receipt of written summations.

12. What information does the Grievance Board consider in determining whether or not to accept my grievance?

The Grievance Board can only consider information that is furnished. That is why it is important for a grievant to provide all information pertinent to the grievance.

13. Who determines if my Step One Grievance is affirmed or denied?

Step One Grievances are either affirmed or denied by the grievant's Troop Commander/Bureau Director. The Troop Commander/Bureau Director must conduct a meeting with the grievant and provide a written response within ten (10) calendar days of receipt of the grievance.

14. What recourse do I have if my Step One Grievance is denied?

Within five (5) calendar days of the Step One response, a grievant may appeal to Step Two. To appeal to Step Two, the grievant must send the completed Grievance Form, along with the written Step One decision to: Grievance Coordinator, Bureau of Labor Relations, 404 Finance Building, Harrisburg, PA 17120-0018. Complete instructions can be found at www.psta.org.

15. Who determines if a grievance can be appealed to Step Two?

The grievant determines if a grievance is appealed to Step Two. In order to do so, the grievant must make the written appeal to Step Two within five (5) calendar days of receipt of the Step One decision.

16. Who determines if a Grievance can be appealed to Step Three?

The PSTA Grievance Board determines if a grievance is appealed to Step Three. The decision of the Board is final.

17. Do I need an attorney for a Step Three hearing?

The PSTA will provide a PSTA solicitor to act as an advocate for a member at an arbitration hearing.

18. Can I use a private attorney to act as my advocate at a Step Three hearing?

A grievant cannot use a private attorney to act as an advocate at a Step Three hearing. The PSTA will provide a PSTA solicitor to act as an advocate for a member at an arbitration hearing.

19. What information do I have to provide to the PSTA for a contract grievance?

It is important for the grievant to provide all necessary information to the PSTA, in order for their grievance to be properly reviewed. The Grievance Board cannot review any information that is not made available to them. A grievant must include all pertinent information, such as Personnel Orders, Weekly Duty Rosters, Troop Orders, Specialized Position Circulars, etc.

All grievances submitted to the PSTA must be accompanied by a completed and signed Grievance Summary Form. The Grievance Summary Form can be obtained at www.psta.org, or from your PSTA representative or local lodge president.

A grievant may submit separate correspondence, addressed to the Grievance Board, containing any other information they want the Board to consider.

20. What information do I have to provide to the PSTA for a discipline grievance?

It is important for the grievant to provide all necessary information to the PSTA in order for their grievance to be properly reviewed. The Grievance Board cannot review any information that is not made available to them. A grievant must include the D.A.R., Summary Report of Personnel Investigation, Notice of Disciplinary Penalty and all other information pertinent to the grievance.

All grievances submitted to the PSTA must be accompanied by a completed and signed Grievance Summary Form. The Grievance Summary Form can be obtained at www.psta.org, or from your PSTA representative or local lodge president.

A grievant may submit separate correspondence, addressed to the Grievance Board, containing any other information they want the Board to consider.

21. What will happen if I fail to provide the necessary information?

At the least, failure to provide the necessary information will have a negative impact on the Grievance Board's ability to appropriately resolve the grievance.

Failure to provide necessary information and follow the established guidelines may result in the grievance being closed without further action being taken.

22. When can a "Member Treatment" grievance be filed? What is the remedy?

Article 35 of the Collective Bargaining Agreement provides that The Employer agrees not to engage in or permit discrimination or harassment against any member on the basis of race, creed, color, ancestry, sex, marital status, age, national origin, disability, union membership, union activity or political affiliation.

In order for a "Member Treatment" grievance to be accepted by the Board, the grievant must demonstrate to the Board that the grievant was discriminated against or harassed on the basis of one of those conditions.

In cases of alleged harassment, the only remedy available to the arbitrator shall be a cease and desist award. If a subsequent alleged harassment arbitration involving the same parties results in a cease and desist award, the member who has committed the act of harassment shall be subject to progressive discipline by the Department. Further substantiated acts of harassment shall result in more severe discipline.

23 When am I entitled to a PSTA representative?

A member who is the subject of an administrative inquiry or internal investigation shall be advised of and upon request, be afforded PSTA representation at any interview, predisposition conference, DAR issuance, or any hearing.

Any member who is interviewed in regards to an investigation and has reason to believe that their statements could result in administrative action

being taken against them, shall be afforded PSTA representation if requested.

24. Should I have a PSTA representative?

The PSTA strongly recommends that you have a PSTA representative present at any time during the discipline process that a PSTA representative is warranted and/or allowed.

25. What are the elements of a discipline grievance that are considered by the Grievance Board?

To determine if a grievance will be scheduled for an arbitration hearing, the board primarily considers three factors:

- A. Did the grievant violate a Department Regulation? The standard used to determine if a regulation was violated by most arbitrators, and the Grievance Board, is “clear and convincing evidence.” In determining if the grievant violated a Department Regulation, the Board considers the information furnished by the grievant and the Department.
- B. Did the Department act in accordance with the Collective Bargaining Agreement? In other words, was the investigation completed within the established statute of limitations, was the member afforded a PSTA representative, etc.
- C. Is the penalty fitting of the violation? The Board considers several factors in determining if the penalty is excessive, including prior discipline, prior similar cases, and other aggravating or mitigating circumstances. The Board also considers prior arbitration awards to consider how an arbitrator would rule.

26. What is the responsibility of the PSTA Solicitor?

The PSTA Solicitor is present at all meetings of the PSTA Grievance Board, to offer advice and guidance.

The PSTA Solicitor is present at all arbitration hearings, to act as an advocate for the grievant.