

**Cover Sheet:**           **PA Accelerated Grievance Program**

**Category:**               Nomination for NASPE's Eugene H. Rooney, Jr. Award -  
Innovative State Human Resource Management Program

Program Title:           Accelerated Grievance Program

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## **Summary: PA Accelerated Grievance Program**

The Accelerated Grievance Procedure (AGP) Program is an alternative dispute resolution procedure that was first piloted through negotiations with AFSCME for the bargaining unit which was then comprised of 3,800 Corrections Officers and Psychiatric Security Aides. The procedure was designed to expedite the resolution of contractually-filed employee grievances by requiring the parties' full disclosure and dialogue so as to limit attendant liability and eliminate the backlog of unresolved grievances. Based on the success of the program, the AGP has been implemented in eleven of the Commonwealth's collective bargaining agreements/memoranda covering in excess of 46,450 employees under the Governor's jurisdiction.

The AGP is a three or four-step procedure depending on the involved union and/or item in dispute. The first step is comprised of a mandatory meeting between local managers and union representatives wherein full disclosure and discussion of all information in support of the parties' respective positions is required. Management is required to reduce all grievance outcomes to writing within fifteen working days of the first step meeting. In the event that the grievance is unresolved, the labor organization may appeal the grievance to the second step, known as the Joint Area Committee (or Joint State Committee for the non-AFSCME AGPs), wherein the parties advocate their respective positions to a panel consisting of an equal number of labor and management representatives. A written decision is prepared for each grievance and is immediately issued to both parties. Unresolved Joint Area Committee cases in the AFSCME AGPs are automatically docketed for either hearing at arbitration or the Joint State Committee, wherein the cases are advocated to a panel of an equal number of higher-level labor and management representatives. A representative from each party serves as Committee co-chairperson for all Committee meetings. Management representatives on both the Joint Area and State Committees include agency staff from which the grievance originates and Office of Administration staff, who serve as the Commonwealth's chairperson for all meetings.

Through the implementation of the AGP, the parties now resolve the vast majority of grievances at the procedure's first step which has fostered vastly improved working relationships between the parties at the local level. The parties continue to pilot improvements to the AFSCME AGP, such as the introduction of a neutral arbitrator at the third step of the procedure who may decide on contract interpretation or non-removal discipline cases should the panel request his/her decision in order to achieve resolution. As a result of a successful implementation and subsequent expansion of the AGP, on-going liability has been greatly reduced as grievances are resolved in months rather than years and the grievance backlog has been virtually eliminated with the vast majority of the units employing the procedure.

## **Narrative: PA Accelerated Grievance Program**

**1. Brief description of the program.** The Accelerated Grievance Procedure (AGP) Program is an alternative dispute resolution procedure designed to expedite employee grievance processing and facilitate the resolution of such appeals by mandating full disclosure at the first step and local party dialogue throughout the process. The AGP is a three or four step procedure (depending on the involved union and/or item in dispute) administered through the Governor's Office of Administration, Bureau of Labor Relations which replaces the five step Standard Grievance Procedure (SGP) which due to its mechanics required years to process a grievance through the various appellate steps that culminated in arbitration. In the SGP, the Commonwealth's ability to defend sound managerial decisions was often compromised when key witnesses attrited and recollections became hazy over time, while potential liability continued to accrue. Employees pursuing grievances alleging unjust discipline were forced to endure the morale eroding stigma associated with their actions languishing for years pending final adjudication of their appeal.

The rules of the AGP require the parties to convene a first step meeting wherein local managers and union representatives engage in full disclosure and discussion of all information in support of the parties' respective positions. The Commonwealth's experience has been that the vast majority of grievances are resolved at the first step which is a departure from the SGP wherein appeals were rarely resolved or substantively discussed at the local level. Should the grievance not be resolved at the first step, cases are prepared and presented by the local managers most familiar with the actions in dispute and are heard by panels comprised of an equal number of managers and union officials at the subsequent step(s) preceding arbitration. The salient facts are concisely presented before said panels and final and binding decisions are rendered by a majority vote in a confidential executive session convened immediately after each case is presented. Only in relatively rare situations when no majority consensus can be reached is a case processed further.

**2. How long has this program been operational?** The AGP was first piloted with a single AFSCME bargaining unit in May 1989 and has been incrementally expanded to become the primary dispute resolution process for employee grievances arising from collective bargaining agreements between the Commonwealth and its state employee unions. The parties continue to pilot improvements through the AFSCME AGP, such as the recent introduction of a neutral arbitrator at the third step of the procedure who may decide on contract interpretation or non-removal discipline cases should the panel request his/her decision in order to achieve resolution.

**3. Why was this program created?** The procedure was negotiated based on the parties mutual desire to expedite the resolution of contractually-filed employee grievances by requiring the local parties' full disclosure and dialogue so as to limit attendant liability for management, eliminate the backlog of unresolved grievances and to reduce the cost, time delays and unexpected outcomes realized through the submission of grievances to arbitration.

**4. Why is this program a new and creative method?** The AGP is innovative in that it facilitates creative, consensual problem solving at the earliest step of the process by compelling local managers and union officials to fully explain and defend their respective positions at mandatory local meetings and regularly scheduled monthly grievance committee meetings. Cases are prepared and presented by the local managers most familiar with actions in dispute, and are heard by panels comprised of an equal number of managers and union managers. The salient facts are concisely presented, and final and binding decisions are rendered by majority vote in a confidential executive session convened immediately after each case is presented. Significant unexpected benefits have accrued to both parties from the more cooperative working relationships that the AGP has cultivated at the local level. Both parties are now compelled to share all pertinent information necessary to support their respective positions at regular local meetings. The resulting straight forward dialogue between the parties at the working level, along with the shared burden to be fully prepared to engage in substantive dialogue about each grievance, has resulted in the resolution of the vast majority of appeals at the procedure's first step which is a significant departure from the results experienced in prior grievance processes. Further, the Commonwealth has found that many potential grievances are now being screened-out by astute local union stewards who have benefited from their advocacy experience in the procedure.

**5. What was the program's start up costs?** As the primary task to achieve a successful implementation of the procedure involved the training of local agency managers by in-house labor relations staff, the start-up costs were negligible.

**6. What are the program's operational costs?** There is no specific budget for the AGP. As is the case with the SGP, the costs associated with the administration of the AGP are shared by all agencies under the Governor's jurisdiction, the involved unions and the Bureau of Labor Relations. The various AGP Committees utilize Commonwealth and/or union meeting facilities so as not to incur those costs associated with the use of private conference centers.

**7. How is this program funded?** The AGP program is jointly funded through the operating budgets of the agencies under the Governor's jurisdiction and the involved unions' revenue streams.

**8. Did this program originate in your state?** Yes. It should be noted the AGP is a loose replication of a similar procedure utilized in the private sector trucking industry.

**9. Are you aware of similar programs in other states? If so, how does this program differ?** The Commonwealth is unaware of the existence of an employee grievance procedure in another state that replicates the functional joint labor/management attributes of the AGP.

**10. How do you measure the success of this program?** During the fiscal year preceding the expansion of the AGP to all agencies under the Governor's jurisdiction, there were approximately 1,900 AFSCME grievances appealed to the fourth step of the SGP. Approximately 75% of those cases went unresolved and were added to the backlog of grievances that then totaled approximately 4,000. During that fiscal year, approximately 5% of the grievances being processed were ultimately arbitrated at the SGP's fifth step. In contrast, at the end of the fiscal year after the expansion of the AGP, there were 964 cases docketed at the second step of the AGP, the Joint Area Committee. Prior to being heard at the second step, 614 of said cases were resolved by the local parties. 265 cases were ultimately heard and were resolved by the Area Committees. 85 cases were deadlocked and presented to the third step of the process, the Joint State Committee. Ultimately, 1% of the grievances originally filed to the first step were presented before an arbitrator. The resolution rate of the AFSCME AGP has consistently remained above 97% and as a result, the parties have saved hundreds of thousands of dollars in arbitration costs while at the same time allowing local party control of the outcome of grievance resolution (unlike that experienced when a case is decided by a neutral arbitrator). Beyond achieving a more cost efficient and expeditious manner of resolving employee grievances, significant unexpected benefits have accrued to the involved parties from the more cooperative working relationships and mutual respect that the AGP has cultivated at the local level. The advocacy experience gained through exposure to the process has facilitated a greater knowledge of the basic principles of labor relations.

**11. How has this program grown and/or changed since its inception?** Based on the successes realized through the piloting of the program with what is often considered the most litigious bargaining unit in the Commonwealth, the AGP has grown from covering 3,800 then AFSCME-covered Corrections Officers and Psychiatric Security Aides to now covering in excess of 46,450 employees covered by eleven of the Commonwealth's collective bargaining agreements/memoranda, which represents over two-thirds of the overall Commonwealth unionized workforce.

Beyond expanding the process to cover the vast majority of the Commonwealth's union-represented employees, the parties continue to further evolve and improve the process. Approximately two years ago, AFSCME and the Commonwealth agreed to introduce an arbitrator to the third step of the process, the Joint State Committee. Should the panel request his/her decision in order to achieve resolution, said neutral may issue a final and binding bench decision on grievances involving matters of contract interpretation or non-removal disciplinary actions. While the option of invoking the arbitrator's jurisdiction at the State Committee is rarely utilized, it has been found to further enhance the incentive to resolve grievances at the lowest level possible and allows the parties to expose grievances to arbitral review at a fraction of the traditional cost given the fact that multiple cases can be heard in one day.

As deemed necessary by the parties, the AGP will undoubtedly undergo further adjustments toward the goal of enhancing a process that is considered by all involved as a true success story.