



# New York State Correctional Officers & Police Benevolent Association

102 Hackett Blvd. - Albany, NY 12209  
(518) 427-1551 www.nyscopba.org nyscopba@nyscopba.org



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## Grievance/Legal Assistance Committee

### **GRIEVANCE REVIEW POLICY**

(As adopted December 12, 2007)

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1. **STATEMENT OF POLICY:** Article 7 "*Grievance and Arbitration*" of the collective bargaining agreement provides that NYSCOPBA may take an appeal of a grievance that is not satisfactorily resolved. It shall be the policy of the New York State Correctional Officers & Police Benevolent Association, Inc. ("NYSCOPBA") that the determination to take any such appeal shall be made in accordance with the procedures described herein.
2. **INITIATION OF GRIEVANCES:** NYSCOPBA, or a person or persons represented by NYSCOPBA ("grievant") may submit a grievance to Step 1 as provided by Article 7 of the collective bargaining agreement.
3. **GRIEVANCES NOT SATISFACTORILY RESOLVED:** A determination by NYSCOPBA that it is not in the best interest of NYSCOPBA to appeal a grievance to the next step in the grievance process is subject to review only as provided by this policy and the procedures specified herein.
4. **REQUEST FOR REVIEW OF A DECISION OF NYSCOPBA:** If NYSCOPBA determines that a grievance not satisfactorily resolved at Steps 1 or 2 will not be appealed to the next step of the grievance procedure, the grievant or the Sector Steward representing said grievant may request a review of this determination by the Grievance/Legal Assistance Committee established pursuant to Article XI of the NYSCOPBA Constitution. The procedure for this review shall be as follows:
  - a. The grievant will be notified by NYSCOPBA in writing of this determination. A copy of this notice shall also be provided to the Vice-President and the Chief Sector Steward representing the grievant.

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#### Members of the Committee:

Wilson Chapman (Great Meadow CF); Robert Cronin (Mt. McGregor CF); Dave Fletcher (Franklin CF);  
Jeff Levy (Division of Parole); Hugh Ricenburg (Downstate CF); Don VanTassell (Fishkill CF)

#### Committee Chair:

Kevin Walker (Mid-Hudson Vice President)

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- b. The notice to the grievant shall include the reasons why NYSCOPBA determined that the grievance should not be appealed to the next step. This notice may include any information, which supports the decision of NYSCOPBA including past grievance decisions, arbitration decisions, etc.
  - c. The notice to the grievant shall state, "In the event you do not agree with this determination to close this grievance, you may request in writing that this determination be reviewed by the Grievance/Legal Assistance Committee. This request must be made within thirty (30) days following receipt of this notice. Your request for review must include specific relevant additional information that NYSCOPBA did not possess that might have affected the determination to close the grievance. The request for review by the Grievance/Legal Assistance Committee should be sent by email to [grievance@nyscopba.org](mailto:grievance@nyscopba.org) or mailed to 'NYSCOPBA Grievance Department, 102 Hackett Blvd., Albany, NY 12209-1543.' If a written request for review is not received within thirty (30) days, the grievance will be closed."
  - d. The Grievance Department will forward a request for review to the Grievance/Legal Assistance Committee. The committee will review the written submission, and may call witnesses, may consult with legal counsel and/or request additional information from any person possessing information believed to be relevant. NYSCOPBA shall notify the grievant of the date and time when the committee will consider their request for a review. The grievant may participate via a telephone conference call or may appear in person at his or her expense. Their Sector Steward or Vice-President may represent the grievant in this review. In the event a good faith effort has been made to contact the grievant and the grievant cannot be contacted, the Grievance/Legal Assistance Committee may go forward with the review and render a decision thereon.
  - e. The Grievance/Legal Assistance Committee will render a decision within thirty (30) days after the review is considered. The Grievance/Legal Assistance Committee will notify the grievant in writing that either the grievance will be closed or that the grievance will be appealed to the next step. The decision of the Grievance/Legal Assistance Committee will be final and binding and cannot be appealed.
5. GRIEVANCES NOT SATISFACTORILY RESOLVED AT STEP 3: If NYSCOPBA or Legal Counsel designated pursuant to Article XIX of the NYSCOPBA Constitution and Bylaws determines that it is not in

the best interest of NYSCOPBA to pursue a grievance beyond Step 3, the following shall occur:

- a. Only when the Grievance/Legal Assistance Committee has not previously reviewed the grievance as described in section 4 of this policy, the grievant, the Sector Steward and the Vice-President representing the grievant will be provided the opportunity for such review as provided by section 4(a) to section 4(d).
- b. If the Grievance/Legal Assistance Committee agrees with the determination that it is not in the best interest of NYSCOPBA to pursue the grievance beyond Step 3, the grievance will then be closed. This decision will be final and binding and cannot be appealed.
- c. If the Grievance/Legal Assistance Committee does not agree with the determination that it is not in the best interest of NYSCOPBA to appeal the grievance beyond Step 3, the grievance will be submitted to the Executive Board.
- d. The Executive Board shall then decide that the grievance will be pursued beyond Step 3, or the grievance will be closed, or the grievance will be referred to the Executive Assembly. This decision of the Executive Board will be final and binding and cannot be appealed.
- e. The decision of the Executive Board, or of the Executive Assembly if the grievance is referred to them by the Executive Board, that the grievance will be pursued beyond Step 3 or that the grievance will be closed will be final and binding and cannot be appealed.

**Grievance Review Policy & Procedure  
Adopted by NYSCOPBA EA 12-12-07**

