

Article 67 - Grievances

Section 67.1 Jurisdiction

The Board shall hear and finally determine the grievances brought before it, provided that such grievances are appealed pursuant to the procedures contained in an existing collective bargaining agreement and are filed within 30 days after receipt of notice of final decision of the State, unless the collective bargaining agreement provides for a different time period.

Section 67.2 Grievance Filing and Service

A grievance shall be in writing and signed by the exclusive bargaining representative.

Section 67.3 Contents of Notice

The notice of grievance shall contain:

- (A) The full name and address of the exclusive bargaining representative filing the grievance;
- (B) The full name and address of the State;
- (C) A concise statement of the nature of the grievance, including a statement of the date the matter leading to such grievance arose;
- (D) Specific references to the pertinent section or sections of the collective bargaining agreement, if applicable, or the pertinent rule(s) or regulation(s), if applicable, which are alleged to be violated; and
- (E) A brief statement of the facts concerning the grievance.

Section 67.4 Answer; Filing; Service

All parties in interest shall have the right to file an answer within 20 days after service of the grievance. Upon application, the Board may extend the time within which the answer shall be filed.

Section 67.5 Contents of Answer; Denials

The answer shall admit or deny each specific allegation contained in the grievance or shall indicate any lack of knowledge or information thereof sufficient to form a belief. An allegation in the grievance not specifically denied in the answer, unless the party asserts that it is without knowledge or information thereof sufficient to form a belief, shall be deemed admitted and shall be so found by the Board. Allegations of new matter in the answer shall be deemed denied without the necessity of a reply.

Section 67.6 Admission by Failure to Answer

Failure to file a timely answer may be deemed by the Board to constitute an admission of the material facts alleged in the grievance and a waiver by the party of an evidentiary hearing, leaving a question of alleged contract violation(s), or alleged violation(s) of a rule or regulation, to be determined by the Board.

Section 67.7 Stipulation of Facts

After the filing of an answer, the parties may submit to the Board a signed stipulation of facts and a request for a decision by the Board without an evidentiary hearing. The request shall state whether the parties desire to present oral argument and/or file briefs.

Section 67.8 Grievance Mediation

The parties to a grievance filed with the Board may request the Board to appoint a mediator to assist in resolving the grievance. If all parties make such request, the Board may appoint a Board member, its Executive Director or other qualified individual to mediate the dispute. A mediator may be selected from the list of grievance mediators established pursuant to Section 66.6 of these Rules.