

**CITY OF BALTIMORE**

STEPHANIE RAWLINGS-BLAKE, Mayor



**OFFICE OF THE LABOR COMMISSIONER**

DEBORAH F. MOORE-CARTER, SPHR  
Labor Commissioner  
417 E. Fayette Street, Suite 1405  
Baltimore, Maryland 21202

*(410) 396-4365*

June 23, 2015

Glenard S. Middleton, Sr., President  
AFSCME, Local 44  
1410 Bush Street, Suite A  
Baltimore, MD 21230

**SIDE LETTER: SUMMARY ARBITRATION**

Dear President Middleton:

Notwithstanding the language in Article 6: Grievance & Arbitration Procedures, the parties agree that there are various grievances, especially routine disciplinary matters, where the employee, AFSCME Local 44 (the "Union"), and the City of Baltimore ("City") are best served by establishing an arbitration process which will provide a more prompt efficient and cost-effective method of handling such cases. The parties have, therefore, agreed to the following process known as Summary Arbitration. This will be followed when the Union and the City mutually agree to do:

1. The parties shall agree on a list of no less than 3 and no greater than 5 arbitrators who shall serve as Summary Arbitrators. Once selected, the Arbitrators shall be advised that they have been selected as members of this panel and shall be sent a copy of this section which sets forth the process which will be followed.
2. A list of Summary Arbitrators will be compiled in alphabetical order and selection of these arbitrators shall be rotated.
3. Procedure: Within twenty-one (21) days following the receipt of the City's Step 3 answer, if the Union decides to proceed to arbitration it shall determine whether it wishes to follow the Regular or Summary Arbitration Procedure and advise the Labor Commissioner. If the Union chooses Summary Arbitration, the Labor Commissioner shall have seven (7) calendar days to decline Summary Arbitration in which case the matter shall proceed to Regular arbitration. Assuming there is no objection to Summary Arbitration the matter shall follow the process in this section.
4. Once a grievance has been designated for Summary Arbitration, the parties shall contact the next arbitrator on the list of Summary Arbitrators. If the next arbitrator is not available to hear the case within a reasonable period, the parties shall go to the next arbitrator on the list and determine his/her availability. The parties shall continue the list for subsequent cases.
5. Hearings:
  - a. The Union and the City shall present their respective cases using a representative of their choosing. It is the intent of the parties for the hearing to be informal and without briefs or transcripts. Upon mutual agreement at the close of a hearing, the parties may agree on filing a short written statement to address one or more issues if that is deemed appropriate.

b. The Arbitrator shall be responsible for conducting the hearing consistent with the normal guidelines for arbitration cases. The Arbitrator shall have the responsibility for assuring that the relevant evidence and facts are brought forth by the parties and that the hearing is a fair one.

c. After hearing the evidence and any closing statements by the parties, the Arbitrator shall render his/her decision within four (4) workdays following the date of the hearing. The Arbitrator's decision shall be in writing but the Arbitrator may issue a one or two sentence opinion in order to meet the time requirement herein, and then follow that opinion with an opinion setting forth the basis for his/her findings. It is the intent of the parties that the final opinion by the Arbitrator should be short and succinct and not exceed a few pages.

d. The authority of the Arbitrator shall be the same as provided for in Article 6A, Step 4(b).

e. The Arbitrator's decision shall be final and binding upon the parties, but any decision rendered under this Summary Arbitration Procedure shall have no precedent and shall not be cited as precedent in a subsequent case.

6. Costs: The parties shall share equally in the cost of any arbitration proceedings under this section.

Please accept this Side Letter as compliance with our understanding.

Sincerely,



Deborah F. Moore-Carter  
Labor Commissioner

DFMC:dla

cc: Andrew Smullian  
Quinton M. Herbert  
Yvette Brown

Accepted for AFSCME Local 44:



Glenard S. Middleton, Sr., President / Date