ARTICLE 19 – ADJUDICATION OF RIGHTS

Adjudication of a dispute concerning a regular employee’s rights which are granted by this Agreement shall be accomplished as follows:

**STEP 1.** Within seven (7) calendar days of the occurrence of the matters causing the dispute, or if the employee is unaware of such matters at the time, then within seven (7) calendar days after the employee becomes cognizant of such matters, the employee shall present the dispute to his supervisor in writing. The writing shall state the nature of the dispute, the provisions of the contract which grants the affected right and the remedy requested.

**STEP 2.** If the dispute is not settled within seven (7) calendar days of the presentation to the supervisor, the dispute may be presented to the department head or his designee within an additional seven (7) calendar days. The department head, or his designee, and such representatives as he may select shall meet promptly with the employee and the employee’s representative to attempt to settle the dispute.

**STEP 3.** If the dispute is not settled within fourteen (14) calendar days of its presentation to the department head, the dispute may be submitted to the Board of County Commissioners or their designee within fourteen (14) calendar days thereafter. The Board of County Commissioners or their designee shall consider the matter and shall issue a decision within fourteen (14) calendar days of the date that the dispute is submitted to them.

**STEP 4.** If the employee is dissatisfied with the decision he may, within twenty-eight (28) calendar days of the date of the submission of the dispute to the Board of County Commissioners, serve notice of his intention to arbitrate the dispute. Such notice shall be in writing and delivered to the Board of Commissioners.

After the dispute has been so submitted, the parties, or their representatives, shall jointly request Employment Relations Board for a list of the names of five (5) arbitrators. The parties shall select an arbitrator from the list by such method as they may jointly elect or, if they are unable to agree, then by the method of alternative striking of names
under which the employee shall strike the first name objectionable to him and the County shall strike a name objectionable to it. The final name left on the list shall be the arbitrator. Nothing in this section shall prohibit the parties from agreeing upon a permanent arbitrator or permanent list. The arbitrator’s decision shall be final and binding, but he shall have no power to alter, modify, add to or detract from the terms of this agreement. His decision shall be within the scope and terms of this agreement and in writing. The arbitrator shall be asked but not required to submit his award within twenty-one (21) calendar days from the close of the hearing. His decision may also provide retroactivity not exceeding forty-two (42) calendar days. The County and the Association shall equally divide the compensation of the arbitrator’s fee, the cost of any hearing room and the cost of shorthand reports, if mutually agreed to, unless such are paid by the State of Oregon.