

5530.0600 ARBITRATOR QUALIFICATIONS.

Subpart 1. **General labor relations background.** Persons seeking appointment to the arbitrator roster must have substantial knowledge of collective bargaining and labor relations matters in the public or private sectors, be well versed in applicable state and federal law, and be experienced and knowledgeable in the field of labor arbitration.

Subp. 2. **General abilities.** Potential applicants for placement on the roster must be willing and able to travel throughout Minnesota, conduct hearings in a fair and impartial manner, analyze and evaluate testimony and exhibits, write clear and concise awards in a timely manner, and be available for hearings within a reasonable time after the request of the parties.

Subp. 3. **Advocacy disqualification.** No applicant or roster member may currently, or within the preceding 12 months, have functioned as an advocate for any public or private sector employer, employee, or employee organization in any phase of labor management relations. This prohibition applies to employee discharge or disciplinary appeal proceedings, whether or not the employee is represented by an exclusive representative.

Subp. 4. **Demonstrating qualifications.** The burden for establishing qualifications for appointment on the roster is on the person seeking appointment. The commissioner will examine the evidence to determine the complexity of issues the applicant claims experience in, and the technical, theoretical understanding the applicant has demonstrated in handling such matters, and shall make appointments to the roster pursuant to part 5530.0700, subpart 6. Evidence of an applicant's qualification may be advanced in one or a combination of the following ways:

A. submission of six or more arbitration awards or contested case decisions that were authored and signed by the applicant in the 24-month period preceding application;

B. a minimum of six years' experience as a full-time labor relations advocate and submission of six arbitration awards in which the applicant acted as the principal representative for either labor or management;

C. a minimum of six years' experience as a full-time labor mediator, including substantial grievance mediation experience;

D. a minimum of six years' experience as a practitioner or full-time instructor of labor law or industrial relations, including substantial content in the area of collective bargaining, labor agreements, and contract administration;

E. membership in the National Academy of Arbitrators; and

F. satisfactory completion of a formalized course of instruction and internship in a program that has been approved by the commissioner in advance of participation or enrollment by the applicant. The program must include the writing of not less than two

mock awards under the supervision and guidance of an arbitrator already admitted to the roster or otherwise approved in advance by the commissioner.

Subp. 5. **Domicile.** To be eligible for appointment or continuation on the roster, individuals must maintain a principal place of residence in Minnesota or one of its contiguous states. The maintenance of a mail box or mail delivery point is not sufficient to satisfy the requirement of this subpart. The residency requirement may be waived on an appointment-by-appointment basis by the commissioner for individuals who have served at least three years on the current or immediately preceding bureau roster.

Statutory Authority: *MS s 179.02; 179A.04*

History: *14 SR 1383; 21 SR 583; 27 SR 529*

Published Electronically: *June 11, 2008*