

5530.0700 APPOINTMENT TO ROSTER.

Subpart 1. **Size of roster.** The size of the arbitrator roster shall be not fewer than 25 nor more than 60 members. Annually, the commissioner shall determine whether or not to add members to the roster based on the number of referrals over the preceding 12 months and projected referrals from the roster over the next 12 months.

Subp. 2. **Procedure; initial appointments.** When, pursuant to subpart 1, the commissioner determines that it is appropriate to make additional appointments to the roster, the commissioner shall:

A. publish notice in the State Register for not less than 30 days, indicating that applications for appointment are being accepted and establishing a deadline for the applications;

B. in conjunction with the advisory committee, conduct interviews of applicants selected for further consideration, to further assess the applicant's qualifications and suitability for appointment to the roster;

C. advise all applicants in writing regarding the commissioner's final determination with respect to their application;

D. actively solicit qualified applicants who will help provide balance in the racial and gender composition of the roster; and

E. conduct an initial review of applications received and, based on the information provided in the application, reference checks, and the arbitrator qualification requirements of this chapter, select or reject applications for further consideration. The commissioner may conduct additional investigations regarding the application if necessary to obtain a full understanding of the applicant's qualifications.

Subp. 3. **Procedure; renewal appointments.** The commissioner shall notify all roster members not less than 120 days before the expiration of their appointment of the procedures necessary for reappointment to the roster. Persons desiring to renew their appointment on the roster shall submit a written application and fee to the commissioner not less than 60 days before the expiration of their appointment. Following receipt of a renewal application, the commissioner shall review available referral, performance, and activity records of the applicant and proceed according to subpart 6.

Subp. 4. **Application forms.** Individuals who wish to be considered for initial or renewal appointment to the roster must complete an application on forms available from the bureau. Writing samples must accompany the application.

Subp. 5. **Application fee.** A nonrefundable application fee of \$50 for initial appointments and \$25 for renewals must accompany each application for appointment or

renewal. The fee must be in the form of a check or money order made payable to "State of Minnesota, Bureau of Mediation Services."

Subp. 6. **Standards for appointment.** In determining whether or not to appoint a member to the roster, the commissioner shall evaluate each application for evidence of the applicant's competence, proficiency, and qualifications in the following areas:

A. knowledge and understanding of labor relations systems and collective bargaining processes and dynamics;

B. knowledge and understanding of applicable contract, employment, and labor relations law and rules;

C. ability to hear and decide complex labor relations issues in a fair and objective manner;

D. ability to communicate, both orally and in writing, in a clear and concise manner;

E. ability to conduct orderly and effective arbitration hearings in a variety of settings and locations throughout Minnesota; and

F. reputation in the labor-management community for high professional standards of competence, ethics, and integrity.

In addition to meeting these standards for appointment, roster members seeking reappointment must satisfy the requirements of part 5530.1200.

Subp. 7. **Disposition of applications.** If the commissioner has determined that the applicant has satisfied the requirements of subpart 6, the commissioner shall appoint or reappoint the applicant to the roster. If the applicant has failed to satisfy the requirements of subpart 6, the commissioner shall reject the application in writing, including the reasons for the rejection. In the event that there are more qualified applicants than vacancies on the roster, the commissioner shall appoint applicants in rank order of their qualifications or by lottery where qualifications are relatively equal.

Subp. 8. **Term of appointment.** Appointments to the roster shall be for a term of three years.

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

History: *14 SR 1383; 21 SR 583*

Published Electronically: *June 11, 2008*