

**5530.0800 ARBITRATOR CONDUCT AND STANDARDS.**

Subpart 1. **Scope.** The criteria and standards in subparts 2 to 10 apply to all persons on the roster. Failure to comply with these provisions constitutes grounds for disciplinary action or removal from the roster under part 5530.1300.

Subp. 2. **Professional and ethical responsibilities.** Except as otherwise provided in this chapter, the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes approved and published by the National Academy of Arbitrators is incorporated by reference and is applicable to and shall govern the professional behavior of persons appointed to the roster. The code is not subject to frequent change. The code is available through the Minitex interlibrary loan system.

Subp. 3. **Conflicts of interest.** The arbitrator must disclose to the parties and the commissioner any personal or professional relationships, including direct or indirect past employment, consultative relationships, or affiliations with one of the parties, which may give an appearance of partiality. The burden of disclosure is on the arbitrator.

Subp. 4. **Communication with parties.** Arbitrators shall not solicit parties for selection to cases. All matters involving a case or contact with the parties must be handled in a manner that fosters the impartiality of the arbitrator. The arbitrator shall not communicate, directly or indirectly, in connection with any issue of fact or law with any person or party, except upon notice and opportunity for all parties to participate. When this chapter authorizes communications contrary to this part, the communications shall be limited to only those matters permitted by this chapter. The arbitrator may communicate regarding dates or procedures for the hearing without violating this part.

Subp. 5. **Use of assistants or associates.** An arbitrator may, without prior consent of the parties, delegate research, clerical, and preliminary drafting responsibilities to an assistant. However, the assistant may not be delegated decision-making functions or authority, and the arbitrator retains responsibility and accountability for all aspects of the award and its handling.

Subp. 6. **Timeliness.** It is the responsibility of the arbitrator to schedule time commitments in a manner consistent with the needs of the parties and the expeditious handling of disputes. The arbitrator must adhere to the time limits of Minnesota Statutes, section 179A.16, and the parties' arbitration procedure. When initially accepting and scheduling a case, or at the first reasonable opportunity to become aware of the time limits, the arbitrator must indicate whether or not the applicable time limits will present a problem in the timely handling of the case. Although the time limits specified in a grievance arbitration procedure may be waived or extended by the parties, it is improper for an arbitrator to routinely request or suggest extensions. If, after accepting and hearing a case, the arbitrator is unable to render an award within the time limits specified in the grievance arbitration procedure, the arbitrator shall notify each party in writing of the reason for

the delay and shall seek approval for establishing an alternate date for completion of the award. A request for an extension of the timeline for an interest arbitration award must be submitted directly to the commissioner.

Subp. 7. **Administrative or cancellation fees.** Arbitrators may charge an administrative fee for establishing a case file and cancellation fees for hearings that are canceled or rescheduled by one or both parties with less than 21 calendar days' notice, provided the fees and policies are clearly noted on the biographic sketch for that arbitrator that is on file with the bureau.

Subp. 8. **Arbitration fees.** All fees charged by an arbitrator selected under this chapter shall be based on the per diem fee schedule in the biographic sketch on file with the commissioner. The arbitrator shall maintain reasonable time and expense records related to each case and, in the event of a dispute over the reasonableness of fees and expenses in a case, shall make the records available to the parties or the commissioner, upon written demand. Disputes over the reasonableness of fees may be resolved under part 5530.1000, subpart 6.

Subp. 9. **Filing copies of awards.** Unless one or both private sector parties have specifically requested that an award not be provided to the commissioner, arbitrators shall submit copies of all awards involving Minnesota work sites to the commissioner, regardless of the source of appointment or selection. Awards filed with the commissioner are public documents.

Subp. 10. **Arbitrator fee and summary report.** For each award filed with the commissioner, whether originating from a bureau referral or other source, the arbitrator shall provide a summary report that discloses the following:

- A. case identification information, including:
  - (1) arbitrator's name;
  - (2) case file number or bureau case number, if any;
  - (3) name and location of employer and employer's representative; and
  - (4) name and location of exclusive representative and agent of the exclusive representative;
- B. case processing date information, including:
  - (1) date arbitrator was notified of selection by parties;
  - (2) date of hearing;
  - (3) final date for submission of briefs or other written material, if any; and
  - (4) date award was issued; and

C. arbitrator fee and expense information for all awards resulting from a referral by the commissioner, including:

- (1) number of days of hearing billed;
- (2) number of days of study and preparation of award billed;
- (3) number of days billed for travel;
- (4) per diem rate for billing;
- (5) travel expenses billed;
- (6) other expenses billed;
- (7) total fees and expenses charged; and
- (8) amount of the total costs to be paid by each party.

Forms for reporting this information must be furnished by the bureau.

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

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

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