

5530.0900 PANEL SELECTIONS AND REFERRALS.

Subpart 1. **Request for panels.** Individuals or organizations desiring a panel of arbitrators drawn from the roster shall submit individual or joint written requests that include the following:

A. the name and location of the employer and the name, address, and telephone number of the employer's representative;

B. the name of the employee organization and the name, address, and telephone number of the employee organization's representative;

C. a brief statement of the nature of the dispute being submitted to arbitration, for example, discharge or overtime pay;

D. the nature or type of business of the employer;

E. a description of the type of bargaining unit involved, for example, clerical, maintenance, dietary, or teacher; and

F. the date the grievance or dispute was first made known to the employer.

Subp. 2. **Size and selection of panels.** Unless a single arbitrator is to be appointed under subpart 3, all panels submitted by the commissioner shall contain seven names. When the parties' arbitration agreement provides for panels of fewer than seven names, the parties may use the striking procedures in subpart 5 to reduce the size of a seven-member panel. In assembling panels, the commissioner shall use a random selection system that results in a reasonably equal number of opportunities for referral among roster members who have been on the roster for three or more years. When possible, no more than three arbitrators who have been on the roster for less than three years shall be included on a single panel, but the commissioner shall provide greater referral opportunities for those individuals. In assembling panels, the commissioner shall seek to avoid potential conflicts of interest and shall include or exclude roster members pursuant to mutual requests of the parties. Geographic location or unique and special circumstances and technical expertise must be considered by the commissioner when the parties request that those factors be considered. At least five members of the panel must be residents of Minnesota.

Subp. 3. **Direct appointment by commissioner.** The commissioner shall appoint one person from the roster to serve as the arbitrator whenever the agreement to arbitrate or other joint agreement of the parties provides for direct appointments.

Subp. 4. **Replacement panels or names.** Upon the joint request of the parties, the commissioner shall issue a new panel of seven names to replace a prior panel. Single-party requests for replacement names or panels will not be honored unless the commissioner determines that a bona fide conflict of interest exists regarding the matter in dispute between

one or more parties and one or more members of the panel. If a conflict is found by the commissioner, a replacement panel will be issued.

If the appointment of individuals to particular panels would present the appearance of a conflict of interest because the individuals are closely associated with firms or organizations that function as advocates, the commissioner shall disqualify those individuals.

Subp. 5. **Selection from panels.** The parties shall select an arbitrator or arbitrators from the panel under the terms of Minnesota Statutes, section 179A.16, or of their grievance procedure. In the absence of an agreement, the selection shall be made by alternately deleting names from the panel until the required number of names remain. Determining which party shall delete the first name shall be accomplished by a toss of a coin.

Subp. 6. **Scheduling.** Notifying the arbitrators of their selection and the scheduling of the arbitration hearing is the responsibility of the parties. Once the initial arbitration hearing has been established, the party who requested the panel shall notify the commissioner of the arbitrators selected, the date the selection was made, and the date of the initial arbitration hearing.

Subp. 7. **Biographic data.** The bureau shall review and prepare a biographic sketch of each member on the roster annually, based on information provided by that member and other information available to the commissioner. The sketches must include information about the arbitrator's background, education, and experience, as well as data regarding the arbitrator's fee schedule. Arbitrators are responsible for ensuring the accuracy of all biographic and fee data on the sketch. Single copies of the sketches will be made available to parties with the referral of panels.

The mean number of calendar days required by each arbitrator to issue an award during the preceding year, as well as the upper and lower limits and number of cases used to determine that mean, based on records on file with the bureau, shall be maintained by the bureau.

Subp. 8. **Jurisdiction of bureau.** Submission of a panel or appointment of an arbitrator under this chapter signifies nothing more than compliance with a request and is not a determination as to the legitimacy of the dispute or the competency of the arbitrators to resolve it. The bureau does not have jurisdiction or responsibility for enforcement, resolution, or compliance with any aspect of the arbitration process other than providing the services specifically established by this chapter.

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

History: *14 SR 1383; 21 SR 583*

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