

5530.0900 PANEL SELECTIONS AND REFERRALS.

Subpart 1. **Request for panels.** A party or parties that request a panel must submit to the commissioner individual or joint written requests that include:

- A. the employer's name and location and the employer's representative's name, address, email address, and telephone number;
- B. the employee organization's name and the organization's representative's name, address, email address, and telephone number;
- C. a brief statement of the nature of the dispute being submitted to arbitration;
- D. the nature or type of business of the employer;
- E. a description of the type of bargaining unit involved; and
- F. the date the dispute was first made known to the employer.

Subp. 2. **Size and selection of panels.**

A. All panels submitted by the commissioner must contain seven roster members. If the parties' arbitration agreement provides for panels of fewer than seven roster members, the parties may use the striking procedures in subpart 5 to reduce the size of a seven-member panel. This item does not apply:

- (1) if a single roster member is appointed under subpart 3, item A;
- (2) if a single roster member is mutually agreed on according to Minnesota Statutes, section 179A.16, subdivision 4;
- (3) if the arbitration proceeding is as provided under Minnesota Statutes, section 179.09 or 179.38; or
- (4) as otherwise provided by law.

B. When assembling a panel, the commissioner must:

- (1) use a random selection system that results in a reasonably equal number of opportunities for referral among roster members; and
- (2) seek to avoid potential conflicts of interest and include or exclude roster members according to mutual requests of the parties.

C. If requested by all parties to the dispute, the commissioner must consider geographic location or unique and special circumstances and technical expertise.

D. At least five members of the panel must be residents of Minnesota.

Subp. 3. **Direct appointment by commissioner.** The commissioner must appoint or assign a roster member to serve as an arbitrator when:

A. the agreement to arbitrate or other joint agreement of the parties provides for direct appointments;

B. applicable under Minnesota Statutes, section 179.09; or

C. otherwise required by law.

Subp. 4. Replacement names or panels.

A. Upon the joint request of the parties, the commissioner must appoint a new roster member or issue a new panel of seven roster members to replace a prior roster member or panel under subpart 2 or 3.

B. The commissioner may not honor single-party requests for replacement roster members or panels 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 the commissioner determines that a conflict exists, the commissioner must issue a replacement roster member or panel.

Subp. 5. Selecting from panels. The parties must select a roster member or panel according to Minnesota Statutes, section 179A.16, subdivision 4, or their grievance procedure. If there is no grievance procedure for binding arbitration, the selection must be made according to part 5510.5170, subpart 2.

Subp. 6. Scheduling hearing.

A. When the parties select one or more roster members according to this part, they must notify the roster members and work with the roster members to schedule the hearing.

B. Once the hearing has been scheduled, the party that requested the panel must notify the commissioner of the:

- (1) roster members selected;
- (2) date that the selection was made; and
- (3) date of the hearing.

C. After the commissioner assigns or appoints a roster member according to this part or statute, the parties must work with the roster member to schedule a hearing and then notify the commissioner of the hearing date.

D. When a roster member is selected, assigned, or appointed, the roster member must offer the parties at least three dates on which the roster member is available to hear the case. The three dates must be within 90 calendar days of the arbitrator's selection, assignment, or appointment. Nothing in this item requires the parties to hold a hearing within a period that is inconsistent with their needs.

Subp. 7. [Repealed, 46 SR 1387]

Subp. 8. **Bureau jurisdiction.**

A. Submitting a panel or appointing a roster member 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 panel or roster member to resolve it.

B. 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 established under this chapter.

Statutory Authority: *MS s 179.02; 179.82; 179A.04; 179A.16; 626.892*

History: *14 SR 1383; 21 SR 583; 46 SR 1387*

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