

5530.1000 ARBITRATION PROCEEDINGS.

Subpart 1. **Responsibility of arbitrators.** Arbitrators selected as a result of referral on a bureau panel must ensure that a fair, adequate, and timely hearing is conducted in a manner that reasonably minimizes cost and expense to the parties.

Subp. 2. **Transcripts or recordings.** Official verbatim recordings or transcripts of an arbitration proceeding shall not be encouraged by the arbitrator. If a single party requests a transcript be made, and the matter is not addressed in the contract or grievance procedure, the arbitrator shall permit the record to be made if the party requesting the transcript makes the necessary arrangements, pays for all costs associated with the transcript, and provides copies to the other party and the arbitrator.

Subp. 3. **Tape recordings.** An arbitrator may use a tape recording of a hearing as a supplement to his or her notes. The tape of the hearing shall be regarded as the personal property of the arbitrator, but must be maintained by the arbitrator for not less than 90 days following issuance of the award.

Subp. 4. **Briefs.** Arbitrators should not encourage the submission of posthearing briefs unless the arbitrator determines that the case is of a sufficiently complex nature and warrants the need for a written summation of evidence and argument. If one or both parties desire to submit briefs, the arbitrator shall establish a prompt schedule.

Subp. 5. **Payment of fees and costs.** Parties requesting panels under this chapter must pay the reasonable fees and costs of the arbitrator promptly. Each party to the dispute is responsible for their pro rata share of the arbitrator's fees and costs, except as otherwise provided by the express terms of the agreement to arbitrate. In the event of a dispute between one or both parties and the arbitrator over the arbitrator's fees or costs, the party contesting the fee may request arbitration of the fee dispute under subpart 6.

Subp. 6. **Dispute over fees.** If a party believes that the fees or expenses charged by an arbitrator are inappropriate or incorrect and is unable to resolve the matter through discussion with the arbitrator, that party may submit a written statement of protest to the commissioner within 30 calendar days of receipt of the arbitrator's invoice. The protest shall provide the specific basis for the objection and a copy shall be provided to the arbitrator and the other party. The commissioner shall investigate and respond to the complaint promptly and if the commissioner believes further examination is necessary, the matter will be referred to a panel of the advisory committee consisting of one union representative, one employer representative, and one roster member, all of whom shall be selected by the commissioner. The panel shall investigate the matter, provide all parties at interest an opportunity to be fairly heard, and issue a written decision that is final and binding upon the parties and the arbitrator.

Statutory Authority: *MS s 179.02*

History: *14 SR 1383*

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