

5530.1200 PERFORMANCE MEASURES.

Subpart 1. **Renewal criteria.** When reviewing an application for renewal appointment to the roster, the commissioner shall use the criteria in subparts 2 to 7 in determining whether or not to reappoint.

Subp. 2. **Selection rate.** The commissioner shall develop and maintain reliable data concerning the frequency with which individuals are selected by parties from panels referred by the bureau. A selection frequency that falls in the upper three quartiles of the frequencies of all arbitrators on the roster is evidence that an arbitrator has established acceptability among the parties who use the roster. A selection rate in the lowest quartile shall not be the sole basis for failure to reappoint unless the arbitrator has been in the lowest quartile for two consecutive years and was selected for fewer than three cases in the most recent 12-month period.

Subp. 3. **Scheduling.** A lack of substantiated written complaints from parties that an arbitrator has failed to offer a reasonable number of dates on which the arbitrator is available to hear a case within 60 days of the arbitrator's notification of selection is evidence that an arbitrator is meeting the availability standards of this chapter.

Subp. 4. **Timeliness.** The commissioner shall consider the mean number of calendar days between the close of the record in a case and the issuance of an award during the preceding 12 months to determine whether or not roster members are meeting timeliness requirements. In evaluating the data, the commissioner shall rely on information provided by the arbitrator under part 5530.0800, subpart 9, and data available from awards on file with the commissioner. A mean that exceeds 60 days is evidence that an arbitrator is not timely in the handling of cases, but shall not be the sole basis for a determination not to reappoint.

Subp. 5. **Evaluation by parties.** The commissioner shall encourage evaluations of the performance of roster members by the parties. Both individual and summary evaluation information shall be considered by the commissioner.

Subp. 6. **Availability.** Arbitrators who have been available to accept cases for at least 18 of the preceding 36 months, including at least six of the preceding 12 months, meet the availability requirements for reappointment.

Subp. 7. **General professional criteria.** All roster members are required to maintain proficiency and competency in the areas in part 5530.0700, subpart 2. Failure of an arbitrator to comply with this chapter, including the submission of information or reports, shall be grounds for removing or not reappointing a roster member.

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

History: *14 SR 1383; 21 SR 583*

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