

5530.1200 ARBITRATOR PERFORMANCE MEASURES.

Subpart 1. **Renewal criteria.** When reviewing an application for a renewal appointment to the roster, the commissioner must use the criteria under this part when determining whether to reappoint.

Subp. 2. **Selection rate.**

A. The commissioner must develop and maintain reliable data concerning the frequency with which roster members are:

- (1) selected by parties from panels referred by the commissioner;
- (2) selected by parties' mutual agreement; and
- (3) appointed or assigned by the commissioner according to part 5530.0900, subpart 3.

B. A selection frequency that falls in the upper three quartiles of the frequencies of all roster members is evidence that a roster member has established acceptability among the parties who use the roster, but a selection rate in the lowest quartile is not the sole basis for failure to reappoint unless the roster member has been in the lowest quartile for three consecutive years.

Subp. 3. **Scheduling.** A lack of substantiated written complaints from parties that a roster member has failed to comply with part 5530.0900, subpart 6, item D, is evidence that the roster member is meeting the availability standards of this chapter.

Subp. 4. [Repealed, 46 SR 1387]

Subp. 5. **Party evaluation.** Parties may evaluate a roster member's performance. The commissioner must consider both individual and summary evaluation information.

Subp. 6. [Repealed, 46 SR 1387]

Subp. 7. **General professional criteria.** Each roster member must maintain proficiency and competency under the areas in part 5530.0700, subpart 6. Failure of a roster member to comply with this chapter, including failing to submit awards, fee and summary reports, or other information, is grounds for the commissioner to remove or to not reappoint a roster member.

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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