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CHAPTER 7305 PUBLIC EMPLOYMENT RELATIONS BOARD ARBITRATION OF EMPLOYMENT TERMS

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7305.0100 DEFINITIONS.

Subpart 1. **Other words, terms, and phrases.** Except as otherwise provided herein, the words, terms, and phrases in this chapter shall have the same meaning and definition as defined in part 7300.0100.

Subp. 2. **Arbitrator.** "Arbitrator" means one or a panel of three arbitrators.

Subp. 3. **Party.** "Party" means any exclusive representative and any employer or employer organization engaged in the arbitration of terms and conditions of employment.

Statutory Authority: *MS s 179A.05*

History: 8 SR 293

7305.0200 SCOPE.

This chapter shall apply to the procedures governing the arbitration of disputes concerning the terms and conditions of employment.

Statutory Authority: *MS s 179A.05*

History: 8 SR 293

7305.0300 POLICY.

Parts 7305.0100 to 7305.1200 shall be liberally construed to effectuate the purposes and provisions of the Public Employment Labor Relations Act.

Statutory Authority: *MS s 179A.05*

7305.0400 [Repealed, 8 SR 293]

7305.0500 CERTIFICATION OF IMPASSE.

Subpart 1. **Contents.** A certification by the director pursuant to Minnesota Statutes, section 179A.16, subdivision 3 shall contain the following:

A. the petition or petitions requesting arbitration;

B. a concise statement by the director indicating that an impasse has been reached and that the requirements of Minnesota Statutes, section 179A.14 have been met;

C. a determination by the director of the matters in dispute; and

D. the final positions submitted by the parties.

Subp. 2. **Filing.** The certification shall be filed with the board and served upon the parties by the director.

Statutory Authority: *MS s 179A.05*

History: 8 SR 293

7305.0600 [Repealed by amendment, 8 SR 293]

7305.0610 SELECTION OF AN ARBITRATOR.

When the director has certified an impasse to the board pursuant to Minnesota Statutes, section 179A.14 to 179A.16, the board shall submit to the parties

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a list of seven names for the selection of an arbitrator. If a party desires a single arbitrator, it shall notify the board in writing of its request. Such request must be received by the board or postmarked within five days after the requesting party's receipt of the list of arbitrators and before striking of names commences. In selecting the single arbitrator or a three-member panel, the parties shall alternately strike names from the list until the appropriate number of names remains. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. In the case of a three-member panel, the parties shall designate a convenor. If the parties fail to agree upon a convenor, each party shall strike, in the continued order of striking, one name from the panel. The remaining arbitrator shall act as the convenor for the purpose of commencing the proceedings. After selection, the parties shall immediately notify the board in writing of the name of the single arbitrator or the names of the panel and convenor.

Statutory Authority: *MS s 179A.05*

History: 8 SR 293

7305.0700 SUBMISSION TO ARBITRATOR.

The board shall submit to the arbitrator the certification of impasse of the director.

Statutory Authority: *MS s 179A.05*

History: 8 SR 293

7305.0800 PANEL CHAIR.

The three-member panel shall, at its initial session, select one member as chair. If the panel cannot agree, the convenor shall serve as chair.

Statutory Authority: *MS s 179A.05*

History: 8 SR 293

7305.0900 [Repealed by amendment, 8 SR 293]**7305.0910 ARBITRATION PROCEDURES.**

The arbitration proceedings shall be conducted and the award shall be rendered pursuant to Minnesota Statutes, section 179A.05. The procedures and authority of the Uniform Arbitration Act in Minnesota Statutes, sections 572.08 to 572.30 shall apply to the arbitration proceedings except as they are inconsistent with the Public Employment Labor Relations Act.

Statutory Authority: *MS s 179A.05*

History: 8 SR 293

7305.1000 [Repealed, 8 SR 293]**7305.1100 PAYMENT OF ARBITRATOR.**

The term "consideration of a dispute," as used in Minnesota Statutes, section 179.72, subdivision 6, includes, but is not limited to, time incurred in preparation, conduct of hearings, deliberations, and preparation of the decision.

Statutory Authority: *MS s 179A.05*

History: 8 SR 293

NOTE: Minnesota Statutes, section 179.72, was repealed by Laws of Minnesota 1984, chapter 462, section 28.

7305.1200 PROFESSIONAL RESPONSIBILITY.

In arbitrating disputes concerning terms and conditions of employment pursuant to Minnesota Statutes, section 179A.05, arbitrators shall conform to the standards and procedures set forth in the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes as approved by the National Acad-

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emy of Arbitrators, American Arbitration Association, and Federal Mediation and Conciliation Service on April 28, 1975, incorporated herein by reference, to the extent not inconsistent with the provisions of the Public Employment Labor Relations Act, this chapter, or other applicable law or rule, provided that:

A. part 5(B)(1)(c), paragraph 112, of the Code of Professional Responsibility shall not be construed as limiting the right of the parties to order a copy of the hearing transcript; and

B. part 6(A)(1)(b), paragraph 124, of the Code of Professional Responsibility shall not be construed as limiting the right of the parties to submit written briefs to the arbitrator.

Statutory Authority: *MS s 179A.05*

History: 8 SR 293