

CHAPTER 7310
PUBLIC EMPLOYMENT RELATIONS BOARD
ARBITRATION OF GRIEVANCES

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7310.0100 DEFINITIONS.

The words, terms, and phrases in parts 7310.0100 to 7310.0600 shall have the same meanings and definitions as defined in part 7300.0100.

Statutory Authority: *MS s 179.72 subds 2,4*

7310.0200 APPLICATION.

Parts 7310.0100 to 7310.0500 shall apply only when the parties are unable to agree upon an arbitrator as provided by contract grievance procedures or the procedures established by the director.

Statutory Authority: *MS s 179.72 subds 2,4*

7310.0300 POLICY.

Parts 7310.0100 to 7310.0600 shall be liberally construed to effectuate the purposes and provisions of the Public Employment Labor Relations Act.

Statutory Authority: *MS s 179.72 subds 2,4*

7310.0400 PETITION FOR LIST OF ARBITRATORS.

In the event the parties are unable to agree upon an arbitrator or arbitrators as provided by contract grievance procedures or the procedures established by the director, the parties may, in writing, petition the board for a list of five arbitrators. The petition shall contain the name and address of the petitioner; the names and addresses of the adverse parties; and a concise statement of the nature of the grievance, the provisions of the contract applicable to the grievance, and the relief requested.

Statutory Authority: *MS s 179.72 subds 2,4*

7310.0500 SELECTION OF THE ARBITRATOR.

The board shall maintain a master list of available arbitrators. The list shall be made up of qualified persons who have submitted an application in writing to the board and have been approved. These applications shall be submitted to every member of the board prior to any action being taken by the board for approval of the applicant. A majority vote of the board shall be required for placement or removal from the list.

The chairman of the board, or his designee, shall select five names for consideration as the arbitrator, but final selection of the five-member list shall be made by at least an affirmative vote of three members of the board which shall include the public member, a public employee member, and a public employer member. In selecting the five names, the board shall endeavor whenever possible to include names of persons from the general geographic area in which the public employer is located.

Once the five arbitrators have been selected, the board shall notify the parties of the names of the five arbitrators. Within five days the parties shall, under the direction of the chairman or his designee, who need not be physically

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present, alternately strike names from the list of five arbitrators, until only one name 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.

Notice of the selection of the arbitrator shall be immediately transmitted to the board by the parties. The notice shall contain the name of the arbitrator selected and the date for commencement of arbitration proceedings.

Upon rendering any award, the arbitrator shall transmit both to the board and to the director a copy of his award and any written explanation thereof. Should any issues submitted to arbitration be settled voluntarily before the arbitrator issues his award, notice of such settlement shall be made by the arbitrator in a report issued both to the board and to the director.

Statutory Authority: *MS s 179.72 subds 2,4*

7310.0600 PROFESSIONAL RESPONSIBILITY.

In arbitrating grievances pursuant to Minnesota Statutes, section 179.70, 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 Academy 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, parts 7310.0100 to 7310.0500, or other applicable law or rule, provided that:

A. part 5(B)(1)(c), paragraph 112, of the Code of Professional Responsibility should 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 should not be construed as limiting the right of the parties to submit written briefs to the arbitrator.

Statutory Authority: *MS s 179.72 subds 2,4*