

5530.0800 ARBITRATOR CONDUCT AND STANDARDS.

Subpart 1. **Scope.** The criteria and standards under this part apply to all roster members, and failure to comply constitutes grounds for disciplinary action or removal from the roster according to part 5530.1300.

Subp. 2. **Professional and ethical responsibilities; incorporation by reference.** Except as otherwise provided in this chapter or chapter 5510, the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes published by the Federal Mediation and Conciliation Service, 2007 and as subsequently amended, is incorporated by reference and is applicable to and governs the professional behavior of roster members. The code is not subject to frequent change and is available from the bureau's website.

Subp. 3. **Conflicts of interest.** A roster member must disclose to the parties and the commissioner any personal or professional relationships, including direct or indirect past employment, consultative relationships, or affiliations with one of the parties that may give an appearance of partiality. The burden of disclosure is on the roster member.

Subp. 3a. Biographic sketch.

A. Annually, the commissioner must review and publish on the bureau's website a biographic sketch of each roster member using information provided by the roster member and from other publicly available information. A biographic sketch must include:

- (1) information on the roster member's background, education, and experience; and
- (2) data on the roster member's fee schedule.

B. Roster members must ensure the accuracy of all biographic and fee data under item A.

Subp. 4. Communicating with parties.

A. A roster member may not solicit parties for selection to cases. All matters involving a case or contact with the parties must be handled in a manner that fosters the roster member's impartiality.

B. A roster member may not communicate, directly or indirectly, in connection with any issue of fact or law with any person or party, except upon notice and opportunity for all parties to participate. This item does not apply when an arbitrator discusses a case with another arbitrator, consistent with the incorporated code under subpart 2.

C. When this chapter authorizes communications contrary to this subpart, the communications are limited to only those matters permitted by this chapter. The roster member may communicate regarding dates or procedures for the hearing without violating this subpart.

Subp. 5. **Use of assistants or associates.** An arbitrator may, without prior consent of the parties, delegate research, clerical, and preliminary drafting responsibilities to an assistant. However, the assistant may not be delegated decision-making functions or authority, and the arbitrator retains responsibility and accountability for all aspects of the award and its handling.

Subp. 6. **Timeliness.** A roster member must:

A. schedule time commitments in a manner consistent with the needs of the parties and the expeditious handling of disputes; and

B. adhere to the time limits under Minnesota Statutes, section 179A.16, subdivision 7.

Subp. 7. **Administrative or cancellation fees.** If any administrative or cancellation fees are noted on the biographic sketch under subpart 3a, the roster member may charge:

A. an administrative fee for establishing a case file; and

B. cancellation fees for hearings that are canceled or rescheduled by one or both parties with less than 28 calendar days' notice.

Subp. 8. **Arbitration fees and expenses.**

A. Except as provided under subpart 7, all fees charged by a roster member must be based on the per diem fee schedule in the biographic sketch under subpart 3a.

B. A roster member must maintain reasonable time and expense records related to each case and, if there is a dispute over the reasonableness of fees and expenses in a case, must make the records available to the parties or the commissioner, upon written demand. A dispute over the reasonableness of fees may be resolved according to part 5510.5295.

Subp. 9. **Filing copies of awards.**

A. Unless one or both private-sector parties have requested that an award not be provided to the commissioner, a roster member must electronically submit to the commissioner an award involving a Minnesota work site or location, regardless of the source of appointment, selection, or assignment.

B. Except as provided under item A, public- and private-sector awards must be submitted electronically to the commissioner.

C. Except as otherwise limited by law, awards under items A and B filed with the commissioner are public documents.

D. An award submitted electronically is subject to part 5510.0320.

Subp. 10. **Arbitrator fee and summary report.** For each award filed with the commissioner, a roster member must provide a fee and summary report in a form prescribed by the commissioner that discloses:

A. case identification information, including the:

(1) roster member's name;

(2) case file number or, if any, bureau case number;

(3) name and location of the employer and employer's representative; and

(4) name and location of the exclusive representative and the exclusive representative's agent;

B. information on the case-processing date, including the:

- (1) date that the roster member was notified of selection by parties;
- (2) date of hearing;
- (3) final date for submitting briefs or other written material, if any; and
- (4) date that the award was issued; and

C. arbitrator fee and expense information for all awards resulting from a referral by the commissioner, including the:

- (1) number of days of hearing billed;
- (2) number of days of study and preparation of award billed;
- (3) number of days billed for travel;
- (4) per diem rate for billing;
- (5) travel expenses billed;
- (6) other expenses billed;
- (7) total fees and expenses charged; and
- (8) amount of the total costs to be paid by each party.

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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