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4 ARBITRATION

4.01 REQUESTS FOR ARBITRATOR EXCLUSION FROM BUREAU ARBITRATION LISTS

1. Purpose. The purpose of this policy is to establish guidelines for a party to request the exclusion of an arbitrator from the referral lists compiled by the Bureau pursuant to Minn. Stat. § 179A.16 (2002) and Minn. R. 5510.0900, subp. 5 (2003).
2. The Bureau recognizes that while parties have the option to strike arbitrators pursuant to the aforementioned statute and rule, on occasion, a conflict of interest may arise between parties that necessitates the Commissioner to consider a party's request to exclude an arbitrator from being listed on future Bureau arbitration panels forwarded to that party.
3. An exclusion request must involve a substantial conflict of interest in order to be considered.
4. Upon the Commissioner's determination that sufficient cause may exist to warrant excluding an arbitrator from the party's arbitration panels, the Commissioner shall advise the arbitrator of the party's reasons for the alleged conflict of interest, inviting a written response from the arbitrator.
5. Arbitrators will only be considered for exclusion following the receipt of a written request detailing the specific reasons that the party believes that a conflict of interest exists and the reasons an arbitrator should be excluded.
6. Any exclusion granted pursuant to this policy is valid for one year from the date the request is made. Parties have the right to renew their request for exclusion prior to the expiration of the one-year deadline.
7. The Commissioner reserves the right to make the final determination regarding exclusion requests.

6/14/2004

4.02 PUBLICATION OF ARBITRATION DECISIONS ON THE BUREAU OF MEDIATION SERVICES' WEB PAGE

1. Purpose. The purpose of this policy is to establish guidelines for the publication of arbitration awards on the Bureau web site pursuant to Minn. Stat. § 179A.04, Subd. 3(7) and Minn. R. 5530.0800, Subp. 9.
2. The Bureau recognizes that the public has an interest in being able to review copies of arbitration awards that the Bureau receives pursuant to Minnesota law. However, the public's ability to review arbitration awards is balanced with the need for the grievant privacy in arbitration awards that are published on the Bureau's web site when such awards contain private or sensitive data.
3. The Commissioner reserves the right to make the final determination regarding what information is redacted from the arbitration award before publication on the Bureau's web site.
4. The Bureau will maintain an electronic copy of arbitration decisions received pursuant to Minn. Stat. § 179A.04, Subd. 3(7).
5. Arbitration awards will not be published on the Bureau's web site if they are non-public data in accordance with Minn. Stat. 13.43 subd. 2(b) and 179A.04, subd. 3

11/10/2008

4.03 PEACE-OFFICER ARBITRATION; FEE SCHEDULE

- A. Peace-officer arbitration roster.** Since 2020, the Bureau has maintained a six-person arbitration roster dedicated solely to adjudicating disputes of peace-officer discipline grievances.¹ Arbitrators on this roster can oversee only peace-officer discipline grievances.
- B. Fee schedule.** The Commissioner determines the fees that an arbitrator can charge.² The fees are divided into four categories:
1. *Docketing fee:* applies when a case has been assigned to an arbitrator by the Commissioner and it is later determined by the parties that the case will not proceed to hearing. The docketing fee is billed and paid directly to the arbitrator in addition to any applicable cancellation fee.
 2. *Cancellation fee:* applies when a hearing is canceled or rescheduled by one or both parties with less than 28 calendar days' notice.
 3. *Per diem fee:* covers the arbitrator's daily rate when working on the case, including travel to and from a hearing location if an overnight stay is required before or after the hearing; conducting the hearing; and researching, studying, and preparing an award.
 4. *Expenses:* applies to an arbitrator's daily expenses, including but not limited to parking, meals, lodging, copying, postage, technical assistance for a videoconference hearing, and travel to and from the hearing location. Mileage is charged at the **IRS mileage rate**, and all other expenses are charged on a **dollar-for-dollar basis**.

Fee	Cost (\$)
<i>Docketing</i>	500
<i>Cancellation</i>	1,000
<i>Per diem</i>	2,000
<i>Expenses</i>	- - -

The fee schedule is adjusted, if needed, **every January**.

¹ Minn. Stat. § 626.892.

² *Id.*, subd. 3.

C. Paying arbitrator's fees. Under Bureau rules, the parties must equally pay the arbitrator's fees and costs.³ An arbitrator will bill the parties all applicable fees either (1) after the parties cancel (cancellation fees may apply), or (2) when the arbitrator sends out their award.

D. Dispute over fees. Bureau rules govern fee disputes between a party and an arbitrator:

If a party believes that the arbitrator's fees or expenses are inappropriate or incorrect and cannot resolve the issue with the arbitrator, the party may submit a written statement of protest to the commissioner within 30 calendar days of receiving the arbitrator's invoice of fees and expenses.⁴

History: 05/01/2023

³ Minn. R. 5510.5295, subp. 1(A). This rule applies except as otherwise provided by statute or the express terms of an arbitration agreement.

⁴ *Id.*, subp. 2(A).