

FEB 29 1996

IN THE MATTER OF:
PROPOSED RULES OF THE
STATE OF MINNESOTA, BUREAU
OF MEDIATION SERVICES GOVERNING
ITS ARBITRATION ROSTER

STATEMENT OF NEED
AND REASONABLENESS

General

Minnesota Rules, Chapter 5530, applies to the empanelment, referral, conduct, and removal of persons on the arbitration roster maintained by the Commissioner. These rules, adopted in 1983, were intended to apply to grievance disputes, since arbitration lists for interest disputes were provided by the Public Employment Relations Board (PERB). However, in 1992 the PERB was abolished and responsibility for referrals of arbitrators for interest arbitration was officially transferred to the Bureau of Mediation Services.

Also, in 1995 the legislature enacted amendments to Minn. Stat. 179A affecting interest arbitration (See Laws 1995, Chapter 239). The new legislation directs the Commissioner to appoint a new arbitration roster to be effective January 1, 1996, and provides new timeline requirements governing the issuance of interest arbitration awards.

In light of the above, Minnesota Rules, Chapter 5530, needs clarification and updating to comport with current usage and law. Additionally, certain provisions of Chapter 5530 are in need of editorial revisions, and one subpart relating to expedited grievance arbitration should be deleted for reasons of obsolescence.

The classes of persons affected by the rule changes are arbitrators currently on the BMS Arbitration Roster, prospective applicants to be placed on the roster, and all labor and management representatives who request that names be referred to them from the roster.

The proposed changes in these rules are not anticipated to have any effect on state revenues or on costs to this agency or any other public jurisdictions.

The agency noticed all arbitrators currently on the BMS Arbitration Roster and all significant users of the roster. No attempt was made to notice prospective applicants for future roster placement inasmuch as we do not know whose those persons might be. When applications for roster placement are again accepted the notice of acceptance of applications will be published in the State Register and will contain the standards for placement.

The following changes to the rules are being proposed:

<u>Rule</u>	<u>Need</u>	<u>Reasonableness</u>
5530.0100	Clarifies that this chapter does not apply to teacher discharge or termination hearings.	The rule is reasonable because procedures for teacher discharge or termination hearings are covered by a separate statutory reference, 179A.04, subd. 3(c).
5530.0200	Removes an unnecessary word.	Editorial clarification.
5530.0300 Subp. 7	Removes the provision for expedited panels. This subpart refers to expedited grievance arbitration. It is being deleted because it has not been used.	It is reasonable to remove this subpart because no request has been made for an expedited panel.
5530.0600 subp. 3	This sentence is being moved because it is not applicable to the subject matter covered in this subpart. (See 5530.0900, subpart 4.)	This is reasonable because this amendment will make the rules more readable and understandable.
5530.0700 Subp. 1	The maximum number of arbitrators on the roster is increased to 60 to comply with Chapter 239, Section 2.	This change is reasonable because it places the rule in compliance with the legislation.
5530.0700 Subp. 3	This is needed to make the timing of renewal appointments of roster members consistent with Chapter 239.	This is reasonable because reappointment procedures to the arbitration roster must be consistent with the statutory effective dates of January 1, 1996.
5530.0700 Subpart 6(f)	This change is needed to clarify the standard.	This is reasonable because it establishes a more objective standard.

5530.0700 Subpart 7	This change is needed to clarify the commissioners' authority to make appointments to the roster.	Editorial clarification
5530.0700 Subpart 8	This is needed to standardize the term of appointment on the arbitration roster.	It is reasonable because the duration applies equally to all arbitrators.
5530.0800 Subpart 2	This information is not pertinent to the rule.	It is reasonable to delete irrelevant material.
5530.0800, Subpart 3	This is needed to clarify arbitrator responsibility with respect to disclosure.	Editorial clarification.
5530.0800, Subpart 6	This is needed to comply with Chapter 239, Sections 3 and 4.	This change is reasonable because it places the rule in compliance with legislation.
5530.0800, Subp. 10(a)	This makes the information requested for the employer and the exclusive representative consistent.	This is reasonable because the Bureau needs accurate names and addresses of all parties.
5530.0800, Subp. 10(b)	Removes an unnecessary reporting detail.	This is reasonable because this information is not pertinent to the Bureau.
5530.0900 Subp. 4	This is needed to give the commissioner greater flexibility in providing replacement names or replacement panels.	This is reasonable because oftentimes the parties seek a replacement name or more than one replacement panel. It is reasonable to consider their request.
	This sentence was moved from 5530.0600, subpart 3 to this subpart for purposes of clarification.	This is reasonable because this amendment will make the rules more readable and understandable.

5530.0900 Subpart 5	This amendment is needed to identify the statutory reference for interest arbitration.	This change is reasonable because it places the rule in compliance with the statute.
5530.0900 Subpart 7	Deletes language referencing Minn. Stat. 125.12, which is obsolete.	This is reasonable to ensure that rules do not reference obsolete statutes.
	This sentence was moved. It is needed to clarify that it is the responsibility of the arbitrators to inform the Bureau of changes to their biographical data.	It is reasonable to move this sentence to make the rules more readable.
	It is unnecessary to include this information with the arbitrators' biographical data because the information is maintained by the Bureau and is available to the parties upon request.	This is reasonable because the information is still available to the parties in another format and it removes the need to constantly update the biographical data of the arbitrators.
5530.0900 Subpart 7	Removes a date which no longer applies.	Editorial clarification.
5530.1000 Subpart 2	This is needed to correct a typographical error.	This is reasonable because it make the sentence grammatically correct.
5530.1100	This change is needed to remove the provision for expedited panels. It has proved unnecessary.	It is reasonable to remove this subpart inasmuch as it has never been used since the rule was adopted in 1983.
5530.1200 Subp. 4	This is needed to remove the reference to expedited arbitration.	This is reasonable because the subpart to which this refers is being deleted.

February 26, 1996