

CSMCS ARBITRATOR PANEL REGULATIONS

Section 001. Definitions.

- a. Service. The California State Mediation and Conciliation Service.
- b. Party. An employer, labor union, individual employee, or other bona fide party within the meaning of Labor Code section 65.
- c. Panel. A list of names, mailing addresses and telephone numbers maintained by the Service, from which the Service provides lists of arbitrators upon request by parties.
- d. Advocate. Any person who represents one or more employers, labor organizations, or individuals as an employee, attorney or consultant in matters of labor relations, including but not limited to the subjects of union representation and recognition, collective bargaining, arbitration, unfair labor practices, equal employment opportunity, personnel or civil service commission matters, and other areas generally recognized as constituting labor relations. This includes any individual representing employers or employees in individual cases or controversies involving workers' compensation, retirement benefits, occupational health and safety, or labor standards matters. This also includes a person who is directly associated with an advocate in a business or professional relationship as, for example, partners or employees of a law firm. Consultants engaged only in joint education or training or other non-adversarial activities will not be deemed advocates; nor will neutrals hired by employers solely to conduct investigations and make findings of fact in employment disputes.

Section 002. Arbitrator Panel.

- a. As a service to the public, the Service shall maintain a panel or panels of arbitrators possessing demonstrated expertise in California labor relations and broad experience in labor relations, collective bargaining, and dispute resolution. Such arbitrators shall not be employees, agents or contractors of the

Service. The panel or panels shall not include any person who is currently an advocate as defined in section 001.

- b. The Service may maintain one or more specialized panels of arbitrators possessing high levels of experience and expertise in particular types of cases, such as interest arbitration.
- c. Lists of arbitrators from the panel or panels shall be available upon request to parties seeking arbitrators to hear labor and employment disputes, and such other types of disputes as may be determined by the Service. Panel arbitrators will be selected for placement on lists in a fair and equitable manner. Nothing in these regulations shall be construed as mandating that any party or parties select an arbitrator from such panel, or as prohibiting a party or parties from seeking arbitrators from any other source.

Section 003. Updated Panel.

- a. The Service may update its arbitrator panel or panels as the need arises.
- b. The Service may add qualified arbitrators to a panel, and may in its discretion defer such additions until it finds a need for additional listings. To be added to a panel, an arbitrator must have a minimum of ten (10) years' responsible, professional experience in labor relations.

Section 004. Removal from Panel.

The Service may remove from a panel any arbitrator who submits a written request for removal, or who is disqualified from further listing on the panel. Grounds for disqualification shall include:

- a. repeated delinquency in submitting awards;
- b. failure to provide requested information to the Service;
- c. failure to comply with the Service's regulations and procedures, including but not limited to the Responsibilities of Panel Arbitrators (section 008);

- d. a determination pursuant to a complaint investigation that the arbitrator engaged in unprofessional or unethical conduct or other misconduct in the role of arbitrator.
- e. a determination that the arbitrator is not acceptable to the parties requesting lists, as indicated by records of listings by and selections maintained by the Service.

Section 005. Procedures for Removal from Panel.

An arbitrator shall be given thirty (30) days' written notice prior to proposed removal from a panel. Said notice shall specify the grounds for the proposed removal, and shall advise the arbitrator that he or she may, within the thirty (30) day period, file a written response disputing the grounds for removal and may submit information supporting continued listing. Upon the expiration of the thirty (30) day period, the Service shall issue and serve a written decision, and such decision shall be final.

Section 006. Particular Qualifications.

Parties may make joint requests for the Service to provide lists of arbitrators possessing experience in particular industries or sectors, possessing particular qualifications, or residing in the region of the dispute. The Service shall comply with such requests to the extent practicable.

Section 007. Publication on Web Site

- a. The Service may publish on its web site the names, mailing addresses and telephone numbers of panel arbitrators, and may publish such other public information as it deems beneficial to parties seeking such information.
- b. The Service may publish on its web site any arbitration awards submitted to it, unless a party-in-interest requests otherwise.

Section 008. Responsibilities of Panel Arbitrators.

- a. Panel arbitrators must conform to the ethical standards and procedures set forth in the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes.
- b. An arbitrator selected from a Service list, and notified of such selection by a party other than the Service, shall be responsible for notifying the Service of the selection.
- c. An arbitrator selected from a Service list shall submit to the Service a copy of the arbitration award for that case. Except in the case of a public sector interest arbitration award, the arbitrator may redact information as to the identity of the participants in the dispute.
- d. No person shall serve as an arbitrator in any proceeding in which he or she has any financial or personal stake in the outcome.
- e. Prior to accepting any appointment, an arbitrator must disclose any circumstances likely to create an appearance of bias or which might disqualify him or her as an impartial arbitrator for that case.
- f. The Service shall establish three regions within the state (Northern, Central and Southern), and shall maintain a separate panel of arbitrators for each region. Arbitrators may elect to be listed on one or more of these regional panels. If the arbitrator elects to be listed in a region other than the one in which he or she resides, and is chosen from a Service list for a case in that region, he or she may charge travel expenses only from an address in that region. In the event the arbitrator has no address in that region, the address of the State office building in San Francisco, Fresno or Los Angeles may be used to calculate travel billing for Northern, Central and Southern region cases, respectively. However, in the event the arbitrator's office outside the region is closer than the state office building within the region of the dispute, the arbitrator should bill from his or her office.
- g. An award must be issued within sixty (60) days after the close of the hearing, or sixty (60) days after

receipt of transcripts and submission of briefs, if applicable, unless an earlier deadline is required by the applicable collective bargaining agreement, or an extension is agreed to by the parties.