

**621—14.5 (20) Arbitrator roster.**

**14.5(1) *Categories of arbitrators.*** The roster shall consist of three categories of arbitrators:

- a. Interest arbitrators;
- b. Grievance arbitrators; and
- c. Teacher termination adjudicators.

Persons may be listed on the roster in each category in which they meet the criteria.

**14.5(2) *Initial application procedures.*** Persons seeking to be listed on the roster in one or more categories must complete and submit an application to the board. Applicants shall submit at least one reference from management, one reference from labor, and applicable writing samples. The board will review the application under the criteria, as set forth in subrules 14.5(3), 14.5(4), 14.5(5), and 14.5(6), and shall make a final decision concerning whether an applicant will be listed on the roster and under which category or categories the applicant qualifies. Each applicant shall be notified in writing of the board's decision.

**14.5(3) *Knowledge and abilities.*** Applicants must establish requisite knowledge and abilities as follows:

- a. For listing on the roster as an interest arbitrator:
  - (1) Good verbal and written communication skills;
  - (2) The ability and willingness to travel throughout Iowa and to work prolonged and unusual hours;
  - (3) Knowledge of Iowa Code chapter 20, the agency's rules, and principles and practices of contracts, public finance, and labor relations; and
  - (4) The ability to conduct evidentiary hearings in a fair and impartial manner, develop an accurate record, and prepare and issue clear, reasoned and timely awards. For purposes of this subparagraph, "timely" means within 15 days after the interest arbitration hearing pursuant to Iowa Code section 20.22(9) or in a time frame established by an impasse agreement entered into pursuant to Iowa Code section 20.19.

- b. For listing on the roster as a grievance arbitrator:
  - (1) Good verbal and written communication skills;
  - (2) The ability and willingness to travel throughout Iowa and to work prolonged and unusual hours;
  - (3) Knowledge of arbitral principles and practices, contracts, and labor relations; and
  - (4) The ability to conduct evidentiary hearings in a fair and impartial manner, develop an accurate record, and prepare and issue clear, reasoned and timely awards. For purposes of this subparagraph, "timely" means within the time frame established by the parties' collective bargaining agreement entered into pursuant to Iowa Code chapter 20.

- c. For listing on the roster as a teacher termination adjudicator:
  - (1) Good verbal and written communication skills;
  - (2) The ability and willingness to travel throughout Iowa and to work prolonged and unusual hours;
  - (3) Knowledge of Iowa Code section 279.17; and
  - (4) The ability to review adjudicatory records developed by another body, hear legal arguments in a fair and impartial manner, and prepare and issue clear, reasoned and timely decisions. For purposes of this subparagraph, "timely" means within 15 days after the teacher termination adjudication hearing pursuant to Iowa Code section 279.17(7).

**14.5(4) *Experience.***

a. Applicants must demonstrate requisite experience in labor relations or arbitration in the category in which the applicant seeks listing on the roster in one of the following ways:

- (1) For listing on the roster as an interest arbitrator:
  1. Issuance of at least four fact-finding or interest arbitration decisions or a combination thereof;

2. At least three years' experience as a mediator in collective bargaining interest disputes, with training and experience in conducting hearings and issuing reasoned awards; or

3. At least five years' experience in labor relations or labor law, with training and experience in conducting hearings and issuing reasoned awards.

(2) For listing on the roster as a grievance arbitrator:

1. Issuance of at least four grievance awards; or

2. At least five years' experience in labor relations or labor law, with training and experience in conducting hearings and issuing reasoned awards.

(3) For listing on the roster as a teacher termination adjudicator:

1. Issuance of at least four decisions rendered in an appellate capacity; or

2. At least five years' experience in the field of education, with training and experience in reviewing adjudicatory records and issuing reasoned decisions.

*b.* The board may give credit against the years of experience requirement to a candidate who has received a master's or equivalent degree in a related area or who has adjudicatory experience in a field or fields other than labor relations.

**14.5(5) Conflict of interest.** Prior to inclusion on the roster, all applicants must disclose potential conflicts of interest as described in subrule 14.8(1).

**14.5(6) Training.** Prior to inclusion on the roster as an interest arbitrator, applicants must complete formal training provided by the agency.

**14.5(7) Exemption.** Applicants who qualify for and complete the agency's interest arbitrator mentorship program, as outlined in rule 621—14.6(20), shall be exempt from the criteria set forth in subparagraph 14.5(4) "a"(1) and subrule 14.5(6).

**14.5(8) Duration of listing.** Listing on the roster shall be for a term of three years.

**14.5(9) Renewal application.**

*a.* The board shall notify a roster member not less than 120 days before the expiration of the member's three-year term of the procedures necessary to continue inclusion on the roster.

*b.* A roster member desiring to renew the member's listing must submit a written application to the board not less than 60 days before the expiration of the member's three-year term.

*c.* When reviewing a renewal application, the board shall consider the following criteria, plus any other relevant information, in determining whether to renew the person's listing:

(1) Demonstration of the requisite knowledge and abilities as listed in subrule 14.5(3);

(2) Acceptability, which may be based on the agency's records that show the number of times the arbitrator's name has been proposed to the parties and the number of times the arbitrator has been selected. Such cases will be reviewed for extenuating circumstances, such as the arbitrator's length of time on the roster or prior history;

(3) Timeliness of decisions;

(4) Feedback from the parties; and

(5) Attendance at agency-sponsored events, including conferences and trainings.

*d.* Within 60 days of receipt of the completed application, the board shall issue and serve in accordance with 621—subrule 2.15(2) a written decision granting or denying the renewal application.

(1) If renewal is granted, the roster member shall remit payment of the annual listing fee in accordance with subrule 14.3(4).

(2) If renewal is denied, the renewal applicant may request reconsideration of the denial within 14 days of issuance of the denial. The board shall hold a hearing conducted in accordance with 621—Chapter 2 within 60 days of the request for reconsideration and shall issue its final ruling within 30 days of the hearing. Absent a timely request for reconsideration, the board's denial of the renewal application becomes final, and the arbitrator shall be removed from the roster.

**14.5(10)** *Grandfather clause.* Any arbitrator listed on the roster prior to November 5, 2014, shall be deemed to meet all criteria set forth in subrules 14.5(3), 14.5(4), and 14.5(6) for up to three years following November 5, 2014. For purposes of renewal, the agency shall divide arbitrators listed on the roster on November 5, 2014, into three groups with staggered renewal dates and will notify the members of each group when their renewal applications are due.

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