



STATUTORY MINOR CORRECTION

ERB 1-2022

CHAPTER 115

EMPLOYMENT RELATIONS BOARD

FILED

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FILING CAPTION: Appoint Arbitrator for Arbitration proceedings under ORS 243.706(3)

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule

AMEND: 115-040-0034

RULE TITLE: Appoint Arbitrator for Arbitration proceedings under ORS 243.706(3)

RULE SUMMARY: Correcting grammatical mistakes.

RULE TEXT:

- (1) When a party submits a request for the Board to appoint an arbitrator under ORS 243.706(3), the Board shall randomly appoint an arbitrator from the panel described in OAR 115-040-0030 and as follows:
- (a) To qualify for appointment under this rule, the arbitrator must have issued an award in at least one public sector discipline or discharge case (by the time of selection). An arbitrator may opt out of being included on the random appointment list under this rule by notifying the Board.
- (b) An arbitrator selected from this list must agree to bill only for travel costs and travel time incurred within the borders of Oregon.
- (c) Within five (5) business days of selection, the randomly selected arbitrator will either:
- (A) Submit to the Board up to five (5) but no fewer than one (1) of their awards or decisions in public sector discipline or discharge cases, preferably involving cases between law enforcement employers and labor organizations; and submit an updated resume and current fee schedule, or
- (B) Opt out, in which case the Board will randomly select another arbitrator.
- (d) If the randomly selected arbitrator fails to provide the information in paragraph (c)(A), the Board will randomly select another arbitrator.
- (e) With the selected arbitrator's consent to the appointment, the Board will notify the parties of the appointed arbitrator and provide the parties with the arbitrator's submitted prior awards or decisions, updated resume, and current fee schedule.
- (f) Within seven (7) business days of the appointment, either party may object to the appointed arbitrator. If a party objects to the appointed arbitrator, the Board will randomly appoint a second arbitrator from the panel described in OAR 115-040-0030 and this rule. The party that did not previously object to the first-appointed arbitrator has seven (7) business days to object to the second-appointed arbitrator. If such an objection is filed, the Board will randomly appoint a third arbitrator, who shall serve as the arbitrator in the matter.
- (2) Once a final appointment is made, with the arbitrator's consent to the appointment, the Board shall notify the

appointed arbitrator and the parties, and provide the arbitrator's submitted prior awards or decisions, updated resume, and current fee schedule.

STATUTORY/OTHER AUTHORITY: ORS 243

STATUTES/OTHER IMPLEMENTED: ORS 243.706