

TEMPORARY ADMINISTRATIVE ORDER

CHAPTER 115

EMPLOYMENT RELATIONS BOARD

FILING CAPTION: Temporary Rule to Appoint Arbitrators for arbitration proceedings under ORS 243.706(3)

EFFECTIVE DATE: 07/26/2021 THROUGH 01/21/2022

AGENCY APPROVED DATE: 07/26/2021

NEED FOR THE RULE(S):

Recently enacted HB 2930 requires this agency to appoint an arbitrator in arbitration proceedings conducted under ORS 243.706(3). This temporary rule is necessary to describe that appointment process in the event that the agency is required to appoint an arbitrator before permanent rulemaking can be completed. If the agency did not adopt the temporary rule, agency staff and affected stakeholders would not know how the appointment directive is being implemented.

JUSTIFICATION OF TEMPORARY FILING:

Recently enacted HB 2930 requires this agency to appoint an arbitrator in arbitration proceedings conducted under ORS 243.706(3). This temporary rule is necessary to describe that appointment process in the event that the agency is required to appoint an arbitrator before permanent rulemaking can be completed. If the agency did not adopt the temporary rule, agency staff and affected stakeholders would not know how the appointment directive is being implemented.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ERB public meetings are recorded and available upon request.

CONTACT:

April Bathurst

503-378-3807

APRIL.BATHURST@OREGON.GOV

528 Cottage ST NE, Suite 400

Salem,OR 97301

ADOPT: 115-040-0034

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

RULE SUMMARY: Recently enacted HB 2930 requires this agency to appoint an arbitrator in arbitration proceedings conducted under ORS 243.706(3). This temporary rule is necessary to describe that appointment process in the event that the agency is required to appoint an arbitrator before permanent rulemaking can be completed. If the agency did not adopt the temporary rule, agency staff and affected stakeholders would not know how the appointment directive is being implemented. The temporary rule was adopted after conducting public meetings with affected stakeholders and provides instructions for our staff and transparency for affected stakeholders on the arbitrator appointment process.

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 section (4) of this rule. The Board shall notify the parties of the appointed arbitrator and provide the parties with the list of names on the panel described in OAR 115-040-0030 and section (4) of this rule.
- (2) Within 14 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 section (4) of this rule. The party that did not previously object to the first-appointed arbitrator has 14 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.
- (3) Once a final appointment is made, the Board shall notify the appointed arbitrator and the parties.
- (4) An arbitrator on the panel described in OAR 115-040-0030 may opt out of being included on the random appointment list under this rule by notifying the Board. The Board shall randomly select an arbitrator from this list. The randomly selected arbitrator may also opt out within seven (7) days of appointment in a particular proceeding, in which case the Board will randomly select another arbitrator. With the selected arbitrator's consent to the appointment, the Board will notify the parties of the appointed arbitrator.

STATUTORY/OTHER AUTHORITY: 243

STATUTES/OTHER IMPLEMENTED: 243.706