

# STATE EMPLOYMENT RELATIONS BOARD ROSTER OF NEUTRALS

## INTRODUCTION

Among the services which the State Employment Relations Board provides is the development and maintenance of a roster of neutrals who serve as fact finders and conciliators (interest arbitrators) under the statutory dispute settlement procedure. Grievance arbitration panels are provided as a service. The Board continuously monitors the roster to insure that standards of neutrality and quality are maintained. This publication represents the relevant qualifications and procedures which apply to the appointment or removal of roster members.

## STANDARDS

The standards utilized by the Board as guidelines for appointment to and continued service on its roster follow:

### I. Eligibility Requirements

- A. State of Ohio resident for conciliation [*as required by Ohio Revised Code Section 4117.14(G)(13)*]; Ohio business address necessary for fact-finding appointments.
- B. Availability and willingness to accept appointments for fact-finding and conciliation.
- C. Nonadvocate. Not currently, nor within the past six months an advocate for public or private sector employers, employee organizations, or employer associations. An advocate is a person who represents employers, employee 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 matters, collective bargaining, arbitration, unfair labor practices, labor-related litigation, equal employment opportunity, wage and benefit administration, unemployment compensation, workers' compensation, occupational health and safety standards, minimum wage or other labor standards matters. The definition of an advocate 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.
- D. Not an elected office holder in state, county or local government.

### 2. Qualifications

- A. Experience in or demonstrated knowledge of labor relations concepts, principles and practices regarding: contract administration and negotiations; interest arbitration and grievance arbitration; labor laws; local government laws; and related matters.
- B. Knowledge of Ohio Revised Code Chapter 4117, Ohio Administrative Code Chapters 4117-1 through 4117-25, and other relevant statutory provisions, Board decisions, and Board policies.
- C. Experience in or demonstrated knowledge of governmental structure, processes, and finances and the ability to calculate costs of wages, fringe benefits, and other economic proposals related to public sector negotiations.

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- D. Knowledge of and compliance with the ethical standards and procedures set forth in the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes adopted by the National Academy of Arbitrators, American Arbitration Association, and Federal Mediation and Conciliation Service (revised 1985).
- E. Impartiality (lack of any real or apparent conflict of interest) and ability to render neutral decisions.
- F. Ability to communicate effectively, to propose constructive and innovative alternatives to resolve impasses, and to effectively apply mediation techniques when requested by the parties.
- G. Ability to conduct an orderly hearing, develop an accurate record of proceedings, analyze testimony and exhibits, and render competent, well-reasoned awards, recommendations, and reports.
- H. Ability to produce written decisions within statutory time limits unless extended by the parties. Conciliators are encouraged to render awards not later than 30 days from the date of closing of the record as determined by the conciliator, unless otherwise agreed by the parties.
- I. Acceptability to the parties in Ohio labor relations disputes.

### **APPOINTMENT PROCEDURE**

Qualified individuals seeking to be listed on the roster must complete and submit an application form which may be obtained from the Bureau of Mediation. Individuals nominated by employers, employee organizations, or neutrals will be notified of their nomination and provided an application form. Upon receipt of an executed form, the Bureau of Mediation will review the application, assure that it is complete, make such inquiries as are necessary, apply eligibility and qualifications criteria, and forward the file with recommendations to the Board. Subsequently, the Board conducts its own review of all applications and makes the final decisions as to whether applicants may be listed on the roster.

Candidates are expected to provide complete and accurate information on the application. Failure to do so can result in rejection. Individuals are expected during their candidacy to notify the Board of any changes in personal status which are relevant to the individual's qualifications.

A candidate who is determined by the Board to be qualified will be added to the roster when additions are required to maintain a sufficient size of membership. Each applicant will be notified in writing of the Board's decision. Successful candidates have no right to be placed on any given panel or on a minimum number of panels in any fixed period. Neither submission of a panel nor subsequent assignment constitutes an assurance that the parties will utilize the services of a neutral. The Board reserves the right to require attendance at training seminars for continued listing on the roster. Eligibility and qualification standards are to be maintained during service on the roster.

### **REMOVAL PROCEDURE**

Individuals may be removed from the roster at the sole and exclusive discretion of the Board based on factors relating to neutrality and service, including but not limited to the following:

1. Failure to comply with statutory provisions, Board guidelines, policies, and rules;
2. Refusal to comply with requests of the agency concerning service to be provided;
3. Delinquency in submitting recommendations or awards;
4. Refusal to accept assignments or otherwise neglect to respond timely to written or telephone inquiries;
5. Unacceptability to the parties, which may be evidenced by a low selection rate over a 3 YEAR period of time under the statutory dispute settlement procedure or by the substance of complaints initiated by the parties and investigated by the Bureau of Mediation;
6. Failure to provide the Board with complete and accurate biographical data and to keep the Board informed of changes in personal status and availability;
7. Failure to disclose to the parties and to the Board any personal relationships or other circumstances which might reasonably raise a potential conflict of interest as a neutral;
8. Failure to meet, on a continuing basis, any other eligibility requirements or qualifications. THIS INCLUDES ATTENDANCE AT SERB FACT FINDER CONFERENCE EVERY TWO YEARS.

The Board, at its discretion, will determine on a case by case basis if a roster member will be removed. An individual who is being considered for removal will be provided prior written notice including a statement setting forth the basis for removal. The individual will have the opportunity to respond in writing to the Board to indicate why removal should not take place. The decision of the Board will be final. Written notice of the decision will be sent to the affected individual.

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