

Kansas Administrative Regulations

Public Employee Relations Board

Article 2.—Procedure

84-2-15. Arbitration.

(a) General provisions. This section governs the general procedure relating to the arbitration proceedings and designation of arbitrators, pursuant to K.S.A. 75-4330(b). The policy of the state primarily is to promote the prompt, peaceful and just settlement of labor disputes arising from the interpretation or application of a memorandum of agreement affecting terms and conditions of employment. Final determination of such disputes may be made by the board or the arbitrators appointed by the board.

(b) Request to initiate arbitration.

(1) A request that the board initiate arbitration shall be in writing and signed by the party or parties filing the request. If not a joint request, the party filing same, at the same time, shall cause a copy thereof to be sent to the other party.

(2) Contents of the request should include: (A) If a joint request, a statement as to the issue or issues in dispute, or if a request by only one of the parties, a statement as to the alleged issue or issues in dispute.

(B) A copy of the memorandum of agreement in effect.

(C) A request that the board either act as an arbitration board, or appoint either one of its members or staff members or an individual not in the employ of the board, for their consideration in the selection of an arbitrator or board of arbitration.

(D) The names, addresses and phone numbers of the principal representatives of the parties involved.

(E) Suggested dates, time and place for the conduct of the hearing, if the board is requested to appoint one of its members or staff members as the arbitrator.

(F) If a joint request, it shall contain a statement as to whether request is for advisory or binding arbitration.

(c) Board action.

(1) If the request to initiate arbitration is filed by only one party, the other party to the dispute shall immediately be contacted by the board or its designee to inquire as to its acquiescence to arbitration. If the latter opposes the right of the initiating party to proceed to arbitration, the initiating party shall be so advised by the board and no further action taken on the request.

(2) If arbitration has been jointly initiated or acquiesced in, the board shall, as requested or agreed either appoint the arbitrator or arbitrators, or submit to the parties a panel of individuals for their consideration in the selection of an arbitrator or board of arbitration.

(3) A written agreement of the parties as to whether the arbitration shall be binding or advisory shall be obtained by the board or its designee.

(d) Arbitrators; who may act.

(1) The board of arbitration may be composed of the full board or one of the board members or board staff members appointed by the board. When so acting, neither any member of the board nor any member of the staff shall receive any compensation from the parties in the performance of such function.

(2) Only competent, impartial and disinterested persons shall be appointed by the board to act as arbitrators or to be included in a panel of arbitrators. Such persons, when acting as arbitrators, shall be compensated by the parties, for fees and expenses, at such sum mutually agreed upon by the parties and the arbitrator or arbitrators.

(e) Procedures of the arbitrator. Procedures of the arbitrator shall be as deemed appropriate by the arbitrator subject to review by the board.

(f) Award and report. The arbitrator appointed by the board or selected by the parties from a panel designated by the board shall at the time of serving copies of the award on the parties, file a copy thereof with the board, as well as a report reflecting a breakdown of the arbitrator's fees and expenses, if any.

(g) Registry. The public employers and employee organizations, from time to time, submit in writing the names of their proposed arbitrators to the board.

(Authorized by and implementing K.S.A. 75-4323(d)(4), 75-4330(b); effective, E-72-29, Sept. 29, 1972; effective Jan. 1, 1973; amended May 1, 1975; amended July 30, 1990.)

***** Authenticated Kansas Administrative Regulation *****