

MERC Adopts New Billing Policy and Increases the Daily Rate Paid to Act 312 Arbitrators and Fact Finders to \$910 – or \$130 per hour based on a 7 hour day. The recently-adopted Billing Policy follows:

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

ACT 312 ARBITRATOR/FACT FINDER BILLING POLICY

PRE-HEARING ACTIVITIES

Bill for actual time (including travel) @ \$130 per hour.

- (1) Include dates and precise times of pre-hearing activities.
- (2) Travel time should be set forth and billed separately.

The maximum per diem rate including travel is \$910.

HEARING

Bill for actual time (including travel) @ \$130 per hour.

- (1) Include dates and precise times of hearing(s).
- (2) Travel time should be set forth and billed separately.

The maximum per diem rate including travel is \$910.

STUDY DAYS

2 days of study @ \$910 are allowed for one day of hearing (of more than 4 hours). One day of study @ \$910 is allowed for 4 or fewer hours of hearing.

- (1) Bill only for study days which are needed and utilized.
- (2) Include dates and times of study days.
- (3) Study days should be listed in the final billing, which is submitted with the final award, however, study days (if utilized) may be set forth in an interim billing.

Travel time should not be counted in determining the number of study days.

Cases submitted on exhibits/documents or other unusual circumstances may require more study days.

To obtain a variance from the standard, you must contact the Director prior to performing the work.

CANCELLATIONS

If the arbitrator has a cancellation fee set forth on his/her resume and a hearing date has been scheduled and agreed to by the parties, there will be no cancellation fee paid unless the parties mutually agree to share the cancellation fee or the party requesting the cancellation agrees to pay the fee in full.

EXPENSE REIMBURSEMENT

Reimbursement for hotels, mileage, meal allowance, lodging, telephone bills, and other expenses will be paid in accordance with the State's policy on Travel Reimbursement of Contractors, which is attached.

TIME OF BILLING

Any and all work performed must be billed on at least a **quarterly** basis (e.g., end of March, June, September, December). Also, because the State's fiscal year ends on September 30, bills for work performed in a fiscal year prior to October 1 (even if the case is not yet complete), **must** be billed by the date specified in early October, or may not be paid if State funds are no longer available.

MISCELLANEOUS

With the written consent of the Act 312 Arbitrator or Fact Finder, parties may mutually agree to pay a different amount to that individual – both as to the daily rate and as to expenses.

As to an Act 312 case filed prior to the effective date of Public Act 116 of 2011 on July 20, 2011, the State will continue to pay 1/3 of the per diem and costs associated with that Act 312 proceeding. As to cases filed after July 20, 2011, parties equally split the per diem and costs associated with that Act 312 proceeding.

The State will continue to pay the per diem and costs associated with a Fact Finding proceeding.

EFFECTIVE DATE: 10/01/11