

## Introduction

Pursuant to its authority to aid parties in resolving labor disputes, MERC maintains a list of skilled arbitrators qualified to perform grievance arbitration in the field of labor relations. MERC will assist parties to a grievance dispute in the selection of a grievance arbitrator.

There is no charge for this service. Note that the daily rate is set by the arbitrator and paid solely by the parties, as are any other costs associated with the arbitration process. MERC does not enforce or vacate awards, and will not collect fees.

## Grievance Arbitrator Selection

### A. Requirements

Prior to providing a list of arbitrators, the parties must submit:

- (1) A completed *Petition for Grievance Arbitration* form (refer to section B.—*How to File a Petition*);
- (2) A copy of the collective bargaining agreement or other written agreement designating MERC as a source for selecting an arbitrator;
  - (a) Expiration date of the contract or agreement;
  - (b) Two copies of the grievance procedure;
  - (c) Two copies of the specific contract provision(s) alleged to have been violated;
- (3) Two copies of the grievance and any response(s).

### B. How to File A Petition

(1) The *Petition for Grievance Arbitration* form is available under the “Forms” link on our website at [www.michigan.gov/merc](http://www.michigan.gov/merc), or by calling our Detroit office at 313-456-3510.

(2) Alternatively, the party requesting the service may submit a letter entitled “Petition for Grievance Arbitration” which includes the following information:

- a. Contract expiration date;
- b. Whether the request is being filed by the employer, the union, or jointly;
- c. Employer’s name, address, phone and fax numbers;
- d. Employer representative’s name, title, mailing and email addresses, phone and fax numbers;
- e. Labor organization’s name, address, phone and fax numbers;
- f. Labor organization representative’s name, title, mailing and email addresses, phone and fax numbers;
- g. Name of the Grievant;
- h. Brief description of the grievance;
- i. Printed name and title of person filing the letter or Petition;
- j. Signature of person filing the letter or Petition;
- k. Date

(3) Submit the completed letter or Petition, along with the other materials requested in the *Requirements* section of this document, to our Detroit office.

(4) Please contact either the Detroit or Lansing office should you have any questions.

### C. MERC Arbitrator Appointment

- (1) Upon receipt of the items required for filing a *Petition for Grievance Arbitration*, MERC will assist the parties to select an arbitrator according to the terms of the parties’ contract or agreement.
- (2) If the arbitrator selection process is set forth in the contract or agreement, MERC will follow that process. If the selection process is not set forth in the contract or agreement, MERC will provide the parties with a list of 15 arbitrators (panel), with the biographies and daily rates for those persons listed. Per Commission policy, either party may object to any name on the list for reasons of “advocacy” as defined in MERC’s General Rules, and a replacement name will be provided.
- (3) If the parties are unable to make a mutual selection from the first panel, MERC will furnish up to two additional panels.
- (4) An arbitrator will be appointed based on the parties’ mutual selections; MERC will then notify the parties and the arbitrator of the appointment.
- (5) If the parties are unable to make a mutual selection after receiving three panels, MERC may appoint an arbitrator, depending on the circumstances. (MERC will not appoint an arbitrator whose name has been struck by either party).
- (6) If, during the arbitrator selection process, a party fails to return a response to the panel within the specified timeline or fails to rank the names therein, MERC will appoint an arbitrator from the panel of the responding, non-objecting party.
- (7) NOTE: MERC’s involvement under this process by issuing panel names and/or appointing a grievance arbitrator does not constitute a determination that the underlying dispute between the parties is arbitrable.

#### **D. Choosing a Hearing Date**

Once an arbitrator is appointed, the arbitrator and the parties will mutually establish a date for the hearing.

#### **E. Arbitrator's Authority & Rules**

- (1) The arbitrator's authority is derived from the parties' collective bargaining agreement or other written agreement.
- (2) The rules governing the arbitration are established by the collective bargaining agreement or other written agreement.
- (3) The parties and the arbitrator may mutually agree on the rules governing the arbitration.

#### **F. MERC's Involvement**

- (1) MERC's involvement is limited to assisting the parties to select and, thereafter, appointing an arbitrator.
- (2) The arbitrator will set his or her own daily rate, other fees and costs, the date and time of hearing, and the time limits for the parties to respond.
- (3) MERC does not enforce or vacate awards, nor collect fees.



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#### **Michigan Employment Relations Commission**

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Robert S. LaBrant, Member  
Natalie P. Yaw, Member

#### **Bureau of Employment Relations**

Ruthanne Okun, Director

#### **Detroit Office**

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P.O. Box 02988  
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313-456-3510  
313-456-3511 (fax)

#### **Lansing Office**

611 W. Ottawa St., 4th Floor  
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# Michigan Employment Relations Commission



# Grievance Arbitrator Selection Process



Bureau of Employment Relations  
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