**Section 110.50 Listing on the Roster; Criteria for Listing and Retention**

a) Persons presently utilized by the Service as arbitrators who are employees of the Illinois Department of Labor may continue to perform such work and be placed on the Roster as their supervisors permit and as their workload dictates, subject to removal as set out in this part. Persons who are or later become employees of the Department of Labor may be considered for placement on the Roster subject to these provisions and the consent of their supervisors and their work requirements.

b) Both future Department employees and private ad hoc persons who seek to be listed on the Roster must complete and submit an application form which may be obtained from the Illinois Arbitration Service. Upon receipt of an executed form, IAS will review the application, assure that it is complete, make inquiries as to references, institutions of training and written decisions, and submit the application to the Arbitrator Review Board. The Board will review the completed applications under the criteria set forth in subsection (1), (2) and (3) of this section, and forward to the Director its recommendation on each applicant. The Director makes all final decisions as to whether an applicant may be listed as set out in this application and the inquiries made. Each applicant shall be notified in writing of the Director's decision and the reasons therefore. The IAS may, with the approval of the Director, determine periods of time during which applications may be made, such application-periods to be initiated when the Roster-complement appears to be in danger of generating delays in hearings, whether as to the total case load or that within some industry or particular geographic area. In instances where additions to the Roster are sought due to case loads within a geographic area or industry, applications may be limited to services within that area or industry.

1) General Criteria: Applicants for the Roster will be listed on the Roster subject to the above general provision upon a determination that they:

A) Are experienced, competent and acceptable in decision-making roles in the resolution of labor relations disputes; or

B) Have extensive experience in relevant positions in collective bargaining and have had adequate training to facilitate acting in a decision-making role in the resolution or labor relations disputes; and

C) Are capable of conducting an orderly hearing, can analyze testimony and exhibits and can prepare clear and concise findings and awards within reasonable time limits; and

D) Possess the factors of background and experience, availability, acceptability, geographical location and the expressed preferences of the parties, or a combination thereof, which demonstrate that inclusion on the Roster will lead to a useful role in resolving disputes.

2) Proof of Qualification: The qualifications listed in subsection (1) above of this section are preferably demonstrated by the submission of actual arbitration awards prepared by the applicant while serving as an impartial arbitrator chosen by the parties to disputes. Equivalent experience acquired in training, internship or other development programs, or experience such as that acquired as a hearing officer or judge in labor relations controversies shall also be considered by the Board. A suitable background as an advocate in the presentation and preparation of cases in dispute as documented in briefs, combined with a reputation of fairness as an advocate and a recommendation(s) from a neutral(s) who has heard the applicant before him in a labor-management dispute and who believes the advocate could conduct fair and impartial hearings and resolutions, combined with training, internship or other development programs, shall also be considered by the Board.

3) Conflict of Interest; Advocacy: An arbitrator may not act as an arbitrator as to disputes in which an employee organization or employer is involved for which he performs services or through which directly or indirectly he receives income. Thus, for example, a person on the Roster may not act as Arbitrator in a dispute which involves a labor organization or employer for which he performs services or which refers to him individuals for whom he performs services. Similarly, a person on the Roster cannot act as an arbitrator in any dispute as to which a person with whom he is directly associated (such as a partner or employee of a law firm) would be prohibited as acting as an arbitrator were he on the Roster. A person receiving a pension from a labor organization or its affiliate or from an employer or its affiliates or subsidiaries is similarly prohibited from acting as an arbitrator in a dispute involving that labor organization or employer. It is expected that any individual who has relationships which might, in some future dispute, result in a prohibition as described in this subsection will disclose such relationships to the IAS and Board and that his biographical data furnished to parties will bear such information. No person who was or is listed on the Roster at any time who fails to divulge advocacy or conflicts of interest of this nature at that time or as they thereafter arise may continue to be listed. The Service may restrict the panels on which a person may appear to avoid the appearance of conflicts of interest.

4) Duration of Listing, Retention: Initial listing may be for a period not to exceed three years, and may be renewed thereafter for periods not to exceed two years, provided upon review that the listing is not cancelled by the Director as set forth below. Department of Labor employees may be removed at any time upon request of their supervisor due to work requirements. Notice of cancellation may be given to the member whenever the member:

A) No longer meets the criteria for admission as set out in subsections (1)-(3) of this Section as determined by his performance and awards made pursuant to this Part;

B) Has been repeatedly and flagrantly delinquent in submitting awards as specified in Section 110.120;

C) Has refused to make reasonable and periodic reports to IAS, as required in Sections 110.70 through 110.150, concerning activities pertaining to arbitration;

D) Has been the subject of complaints by parties who use IAS facilities, and the Director, after consulting with the member's supervisor, concludes that just cause for cancellation has been shown;

E) Is determined by the Director to be unacceptable to a substantial number of parties who use IAS arbitration facilities. The Director shall base a determination of unacceptability on the IAS records showing the number of times the arbitrator's name has been proposed to the parties and the number of times it has been selected.

5) The determination of whether to give notice will be based upon the severity of the violation(s); the number of violations; the damage to the credibility and efficiency of the IAS and the arbitration process as exemplified by the inability of the IAS to maintain timely records and fewer parties using the service; the pecuniary harm to the parties.

6) No listing may be cancelled without at least sixty (60) days notice of the reasons for the proposed removal. An arbitrator's listing will be suspended without notice pending a final decision if the credibility of the IAS and the arbitration process would be damaged or if a party would suffer pecuniary harm. The member shall have an opportunity to submit a written response showing why the listing should not be cancelled and/or to request the appointment of a hearing officer. The Director shall appoint a hearing officer upon a member's request or if the director is unable to conduct his own own inquiry. The hearing officer shall conduct an inquiry into the facts of any proposed cancellation by consulting with the member, the member's supervisor and reviewing awards and related materials prepared by the member. The hearing officer shall make a recommendation to the Director who will make a final decision based upon the findings of the hearing officer.

7) Suspension: During the time a member is listed on the Roster it may occur that certain automatic reasons for suspension come about. Such suspensions shall last only for the length of the reason for the suspension, and the duration of the members' listing shall be extended thereafter so as ensure that the working duration of the listing remains unchanged. An automatic suspension occurs when a member who is an employee of the Department is removed from the Roster due to his supervisor's request based on work requirements. An automatic suspension occurs on request of a member due to health or occupational reasons or temporary unavailability. An automatic suspension also occurs when a member is appearing as a party or representative of a party in a matter before the Department or before a court or appears as a representative of the Department in such a matter, except for Department employees.