

**BUREAU OF EMPLOYMENT RELATIONS**

**HIGHLIGHTS of CHANGES TO MERC’S Act 312 RULES (effective 12-5-14)**

**February 1, 2015**

| <b>RULE</b>   | <b>HIGHLIGHT of CHANGE/ ADDITION</b>  |
|---|---|
| <b>423.501 (b)</b>                                    | Clarifies the definition of “advocate” for Act 312 nominee selection purposes.  |
| <b>502 (f)</b>  | Definition of “Representative” is added.  |
| <b>503 &amp; 504</b>                                  | Reformats existing language and citations.  |
| <b>504 (a)</b>  | Reformats existing language and citations;<br><br>Eliminates requirement that mediator’s written report include “a list of all matters which were formerly at issue and which have been resolved.”  |
| <b>505 (1a)</b><br><br><b>(3)</b>                     | Requires parties to provide e-mail addresses and fax numbers on petition.<br><br>Establishes that a petition filed before 30 days have elapsed since the dispute was “submitted to mediation” may be dismissed administratively. “Submission to Mediation” period starts on the date of 1 <sup>st</sup> scheduled mediation conference.   |
| <b>506</b><br><br><b>(4)</b>                          | Reformats some existing language and citations;<br><br>Clarifies arbitration panel members’ obligation to ensure that his/her bio is current and clarifies what forms of advocacy or association must be declared in bio.   |
| <b>507 (1)</b><br><br><b>(3b)</b><br><br><b>(3c)</b>  | Redefines start of hearing with scheduling conference;<br><br>Provides that the arbitrator may conduct a procedural hearing to rule on various threshold issues (i.e., which issues are economic, contract years to be addressed in the LBOs, etc.) in order that the LBOs are synchronized before they are submitted;<br><br>Distinguishes between the “scheduling conference” to occur within 15 days of appointment and submission of LBOs before the start of the “evidentiary hearing on economic issues.” |
| <b>509 (1c)</b><br><br><b>(1d)</b><br><br><b>(2h)</b> | Reflects the statutory requirement that a hearing be concluded within 180 days from the scheduling conference;<br><br>Restates text found in former Rule 10;<br><br>Authorizes the arbitrator to charge the parties a cancellation fee under certain conditions.  |

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| <b>510</b>     | Deleted and moved to Rule 9 (1) (d).  |
| <b>511</b>     | Provides for the filing of post hearing briefs, but doing so will not extend the 180 day timeline.  |
| <b>512</b>     | Reformats existing language and citations.  |
| <b>513 (2)</b> | Arbitrator responsible for notifying parties of an approved time extension for issuing award (up to 60 additional days beyond the 30 days provided in statute). |
| <b>514 (1)</b> | Arbitrator may not charge more than two preparation days for each day of hearing, absent prior approval from the Bureau Director.                               |
| <b>515</b>     | Adds a retention and disposal schedule for case related materials.  |