

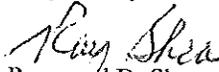
HB5063 AN ACT CONCERNNG THE TIMELINESS OF AWARDS

Senator Osten, Representative Tercyak. My Name is Raymon D T. Shea, a member of the State Board of Mediation and Arbitration. The following lends justification as to why a change from 75 days to 60 days is unwarranted.

- *Hearing opens
- *Framing of the Issue
- *Opening statements
- *Determining Witnesses;
- *Direct Examinaiton
- *Cross Examination
- *Redirect Examination
- * ReCross Examination
- *Hearing concluded
- *Briefing Schedule of Parties
- * Executive Session for Panel to Adjudicate (In 2 wks)
- *Neutral has 75 Days for Final and Binding Award

The above is a capsule view of time spent, not including, note taking by the respective parties, There being no transcription prior to the development of the Award. The Neutral Arbitrator In receiving argument from the Advocates, must evaluate to render the panel his decision. The Award, then submitted to the Board defining argument of both the Management and Labor. The culmination of the final and binding Award. to say the least, is time consuming for its accuracy and academically correct. The neutral must be timely in the submitting of his/her Award in 75 days. In most case the deadline is met, however. As the bill dictates is, in our opinion, much too stringent, When writing the final Award the Neutral is faced with extensive notes covering the respective positions of the parties and the summation of the testimony of all witnesses. Typing and reviewing his/her Award for being grammatically cored is time consuming and the 60days would tend to burden the writer of the Award. Therefore we suggest for this Bill not to be enacted

Respectfully submitted



Raymond D. Shea
Permanent Member
Board of Mediation & Arbitration

STATE BOARD OF MEDIATION AND ARBITRATION

EQUITY PER DIEM FOR STATE BOARD OF MEDIATION ARBITRATORS

As a result of P.A. 99-270 the General Assembly enacted Legislation increasing the per diem to members serving as Arbitrators of the State Board of Mediation and Arbitration, (hereinafter SBMA), beneficiaries of whom, are 8 Neutral members, along with 21 Management and 11 Labor members, respectively.

In 1999, per diem adjustments were enacted creating an unintentional error making the per diem inequitable. Currently, Arbitrators are paid at a per diem rate of \$225 for the initial hearing. However, any additional hearings on the same case, are paid at the per diem rate of \$150, a reduction of \$75. Therein, lies the inequity. Safe to say, there is unfairness to those dedicated Arbitrators at the present time. In this regard all SBMA Arbitrators are impacted by the disparate payment.

Appropriately, a change in the rate corrects the said inequity by the following: Beginning July 1, 2014, a \$50 adjustment on all case hearings extending beyond one day, on January 1, 2015, an additional adjustment of \$25. On July 1, 2015, an additional adjustment of \$25. This will bring the total payment for all hearings extending beyond one day to \$225.

Arbitrators will, by July 15, 2015, be paid for all hearings on each case at the same rate as on the initial hearing. It is only then that the per diem rate will be the most appropriate and equitable.

Acceptance of this proposal would develop into fairness and equity to those most deserved Arbitrators who serve both Management and Labor in the highest of esteem.

YOU MAY ASK WHY?

1. Amending the Statutory language would bring an equitable per diem paid for in all hearings, singular or multiple.
2. It is only right, fair and just.

Estimated Cost:

Current:	Hearings	Proposed 7-1-14	Proposed 1-1-15
1st Hearing----\$225	516	N/C	N/C
2 nd Hearing ----\$150	100	\$50 x 3 = \$3000	\$25 = \$7500
3 rd Hearing----\$150	42	\$50 x 3 = \$6300	\$25 = \$3150
4 th Hearing----\$150	20	\$50 x 3 = \$3000	\$25 = \$1500
Beyond 4 th -----\$150	2	\$50 x 3 = \$600	\$25 = \$600
Awards written \$175	69	\$50 x 1 = \$3450	
Exec.Session---\$150	63		
No change (N/C)	N/C	Sub total=\$16,360	Sub total=\$12,750