



Rules of Arbitration . Employment

Effective January 1, 2009

Costs of Arbitration

This Costs of Arbitration section contains two separate and distinct sections. Initially, the Arbitrator shall make an administrative determination as to whether the dispute arises from an **employer-promulgated plan** or an **individually-negotiated employment agreement or contract**.

If a party disagrees with the Arbitrator's determination, the parties may bring the issue to the attention of the Arbitrator for a final determination. The Arbitrator's determination will be made on documents only, unless the Arbitrator deems a hearing is necessary.

For Disputes Arising Out of Employer-Promulgated Plans

Arbitrator compensation is not included as part of the administrative fees charged BAY Mediation & Arbitration Services, LLC. Arbitrator compensation is based on the Fee Schedule sent to the parties. The employer shall pay the Arbitrator's compensation unless the employee, post dispute, voluntarily elects to pay a portion of the Arbitrator's compensation. Arbitrator compensation, expenses as defined in section (v) below, and administrative fees are not subject to reallocation by the Arbitrator(s) except upon the Arbitrator's determination that a claim or counterclaim was filed for purposes of harassment or is patently frivolous.

I. Filing Fees

In cases before a single Arbitrator, a nonrefundable filing fee capped in the amount of \$185.00 or federal filing fee whichever is lesser, is payable in full by the employee when a claim is filed, unless the plan provides that the employee pay less. A nonrefundable fee in the amount \$500.00 is payable in full by the employer.

In cases before three or more Arbitrators, a nonrefundable filing fee capped in the amount of \$185.00 or federal filing fee whichever is lesser, is payable in full by the employee when a claim is filed, unless the plan provides that the employee pay less. A nonrefundable fee in the amount of \$1,500.00 is payable in full by the employer.

There shall be no filing fee charged for a counterclaim.

II. Hearing Fees

For each day of hearings held before a single Arbitrator, an administrative fee of \$250.00 is payable by the employer.

For each day of hearing held before a multi-Arbitrator panel, an administrative fee of \$400.00 is payable by the employer.

III. Postponement/Cancellation Fees

A fee of \$150.00 is payable by a party causing a postponement of any hearing scheduled before a single Arbitrator.

A fee of \$250.00 is payable by a party causing a postponement of any hearing scheduled before a multi-Arbitrator panel.

IV. Hearing Room Rental

The hearing fees described above include the use of a hearing room. Check with the administrator for availability and rates. If additional rooms are required, hearing room rental fees, if any, will be borne by the employer.

V. Expenses

All expenses of the Arbitrator, including required travel and other expenses, and any BAY Mediation & Arbitration Services, LLC expenses, as well as the costs relating to proof and witnesses produced at the direction of the Arbitrator, shall be borne by the employer.

For Disputes Arising Out of Individually-Negotiated Employment Agreements and Contracts:

The Fee Schedule will apply to disputes arising out of individually-negotiable employment agreements and contracts, even if such agreements and contracts reference or incorporate an employer-promulgated plan.

Arbitrator compensation is not included as part of the administrative fees charged by BAY Mediation & Arbitration Services, LLC. Arbitrator compensation is based on the most recent Fee Schedule sent to the parties. Unless the parties agree otherwise, Arbitrator compensation and expenses as defined below, shall be borne equally by the parties and are subject to reallocation by the Arbitrator in the award.

I. Filing Fees

An initial filing fee is payable in full by the filing party when a claim, counterclaim, or additional claim is filed. The initial filing fee is \$185.00 and is nonrefundable.

II. Hearing Room Rental

The fees described cover use of a hearing room. If additional rooms are required, contact the administrator for appropriate fees.

III. Expenses

All expenses of the Arbitrator, including required travel and other expenses, and any BAY Mediation & Arbitration Services, LLC expenses, as well as the costs relating to proof and witnesses produced at the direction of the Arbitrator, shall be borne equally by the parties.