

## Federal Mediation and Conciliation Service

## § 1404.3

State or other conciliation or mediation agency for mediation of the dispute. Decisions in such cases will take into consideration the desires of the parties, the effectiveness and availability of the respective facilities, and the public welfare, health, and safety.

(c) If requested by a State or local mediation agency or the chief executive of a State or local government, the Federal Service may make its services available in a labor-management dispute which would have only a minor effect upon interstate commerce when, in the judgment of the Federal Service, the effect of the dispute upon commerce or the public welfare, health, or safety justifies making available its mediation facilities.

### PART 1404—ARBITRATION SERVICES

#### Subpart A—Arbitration Policy; Administration of Roster

Sec.

- 1404.1 Scope and authority.
- 1404.2 Policy.
- 1404.3 Administrative responsibilities.

#### Subpart B—Roster of Arbitrators; Admission and Retention

- 1404.4 Roster and status of members.
- 1404.5 Listing on the roster, criteria for listing and removal, procedure for removal.
- 1404.6 Inactive status.
- 1404.7 Listing fee.

#### Subpart C—Procedures for Arbitration Services

- 1404.8 Freedom of choice.
- 1404.9 Procedures for requesting arbitration lists and panels.
- 1404.10 Arbitrability.
- 1404.11 Nominations of arbitrators.
- 1404.12 Selection by parties and appointments of arbitrators.
- 1404.13 Conduct of hearings.
- 1404.14 Decision and award.
- 1404.15 Fees and charges of arbitrators.
- 1404.16 Reports and biographical sketches.

#### Subpart D—Expedited Arbitration

- 1404.17 Policy.
- 1404.18 Procedures for requesting expedited panels.
- 1404.19 Arbitration process.
- 1404.20 Proper use of expedited arbitration.

APPENDIX TO PART 1404—ARBITRATION POLICY; SCHEDULE OF FEES

AUTHORITY: 29 U.S.C. 172 and 29 U.S.C. 173 et seq.

SOURCE: 62 FR 34171, June 25, 1997, unless otherwise noted.

### Subpart A—Arbitration Policy; Administration of Roster

#### § 1404.1 Scope and authority.

This chapter is issued by the Federal Mediation and Conciliation Service (FMCS) under Title II of the Labor Management Relations Act of 1947 (Pub. L. 80-101) as amended. It applies to all arbitrators listed on the FMCS Roster of Arbitrators, to all applicants for listing on the Roster, and to all persons or parties seeking to obtain from FMCS either names or panels of names of arbitrators listed on the Roster in connection with disputes which are to be submitted to arbitration or fact-finding.

#### § 1404.2 Policy.

The labor policy of the United States promotes and encourages the use of voluntary arbitration to resolve disputes over the interpretation or application of collective bargaining agreements. Voluntary arbitration and fact-finding are important features of constructive employment relations as alternatives to economic strife.

#### § 1404.3 Administrative responsibilities.

(a) *Director*. The Director of FMCS has responsibility for all aspects of FMCS arbitration activities and is the final agency authority on all questions concerning the Roster and FMCS arbitration procedures.

(b) *Office of Arbitration Services*. The Office of Arbitration Services (OAS) maintains a Roster of Arbitrators (the Roster); administers subpart C of this part (Procedures for Arbitration Services); assists, promotes, and cooperates in the establishment of programs for training and developing new arbitrators; and provides names or panels of names of listed arbitrators to parties requesting them.

(c) *Arbitrator Review Board*. The Arbitrator Review Board shall consist of a chairman and members appointed by the Director who shall serve at the Director's pleasure. The Board shall be