

EMPLOYMENT RELATIONS COMMISSION (EXCERPT)
Act 176 of 1939

423.9d Voluntary arbitration; existing collective agreement as binding on parties; agreement to arbitrate; designation of arbitrator; expense of arbitration; enforcement of agreement; hearings; notice; procedure; transcript; findings; opinion and award; enforcement of award.

Sec. 9d.

(1) Any labor dispute, other than a representation question, may lawfully be submitted to voluntary arbitration in the manner provided in this section. However, arbitration of labor disputes without complying with this section shall be valid as it has heretofore been under the common law.

(2) (a) When a labor dispute involves the meaning or interpretation of an existing collective agreement between an employer and a labor organization and the collective agreement provides for the use of a designated arbitrator to decide disputes thereunder, or provides the method for selection of arbitrator or arbitrators, the provisions of that agreement shall be binding upon the parties, and shall be complied with unless the parties agree to submit the dispute to some other arbitration procedure.

(b) Disputes, other than representation questions, for which a settlement procedure by arbitration is not provided under any collective agreement between the employer and the labor organization involved, may be submitted to arbitration by agreement of the parties. The agreement to arbitrate shall be in writing, shall provide that the arbitration shall be conducted pursuant to this section, and shall include an undertaking by each of the parties that he will faithfully abide by and perform the arbitration award. The agreement, or a supplemental agreement, shall also specify the issue or issues to be decided, shall make provision for the payment by the parties, or either of them, of the costs and expenses of the arbitration, and may include such other provisions, not inconsistent herewith, as shall be agreeable to the parties. However, the commission may, upon the request of the parties, and upon finding that the parties, or either of them, are unable to bear the expense of the arbitration, designate an arbitrator for a dispute, in which event the expense of the arbitration, including a per diem fee of \$50.00 and necessary expenses of the arbitrator, shall be paid out of the general fund. An agreement to arbitrate an existing or future dispute shall be enforceable in equity by any circuit court having jurisdiction.

(3) The arbitrator or arbitrators designated in a proceeding shall within 20 days after his or their appointment, proceed to conduct hearings in the dispute. Reasonable notice of the hearings shall be given to the parties, who may appear and be heard both in person and by counsel or other representative. Hearings shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be binding. Oral or documentary evidence and other data deemed relevant by the arbitrator or arbitrators may be received in evidence. A transcript of the proceedings shall be taken if the arbitrator or arbitrators so desire, or at the request and at the expense of any party. Within 30 days after the conclusion of the hearing, or within such additional period as the parties shall stipulate, the arbitrator or arbitrators shall make written findings and promulgate a written opinion and award upon the issue or issues presented and shall mail or otherwise deliver a true copy thereof to each of the parties. A majority vote of the arbitrators, if there be more than 1, shall constitute a decision on any matter. This section shall not supersede or invalidate the provisions of any collective agreement under which the parties are required to arbitrate disputes under subsection (2)(a).

(4) An award rendered in a proceeding hereunder shall be enforceable at law or in equity as the agreement of the parties.

History: Add. 1947, Act 318, Eff. Oct. 11, 1947 ;-- CL 1948, 423.9d ;-- Am. 1949, Act 230, Imd. Eff. May 31, 1949 ;-- Am. 1976, Act 17, Imd. Eff. Feb. 20, 1976