



## Summary of Proposed Revisions to Employment Arbitration Rules

In 2024, the AAA embarked on a project to revise our Employment Arbitration Rules, with an eye toward modernizing and clarifying these rules. The AAA is committed to maintaining fairness, efficiency, and transparency in our arbitration processes, and to that end the Rules amendments were drafted with the following principles in mind:

**Transparency:** Provide clear information about the rules and the responsibilities of all parties.

**Fairness:** Adhere to the standards reflected in the Employment Due Process Protocol, and promote neutrality in arbitrator selection.

**Efficiency and Accessibility:** Streamline arbitration processes to reduce time and costs.

**Ethics and Conduct:** Incorporate guidelines for the conduct expected of parties and their representatives.

Although AAA did not revise every rule, we edited many with these goals in mind. Additionally, we repositioned some rules to create a more logical and uniform flow within the rules set.

- Increased time period for automatic stay for a party seeking judicial intervention from 30 to 90 days. *(Rule 2)*
- Multiple claims filed by the same party arising out of the same contract can now be administratively consolidated by the AAA into one case. Multiple claims filed by the same party arising out of different contracts may be treated as an individual case. *(Rule 4)*
- Specified procedures for determining which agreement applies when that issue is in dispute. *(Rule 5)*
- Clarified the circumstances under which the AAA may decline or cease administration of a case. *(Rule 10)*
- Renamed "Arbitration Management Conference" to "Preliminary Hearing;" added Preliminary Hearing Procedures. *(Rule 20, P-1 and P-2)*
- Reworked exchange of information to emphasize arbitrator's authority to grant necessary information exchange as required for a party to fairly present its claims and defenses. *(Rule 20)*
- Added rule specifying the arbitrator's enforcement powers. *(Rule 22)*
- Specified that hearings will be held virtually unless an in-person hearing is necessary for a fundamentally fair process. *(Rule 23)*
- Specified procedures for counsel to withdraw. *(Rule 25)*
- Revised arbitrator's authority for allowing written and dispositive motions. *(Rule 32)*
- Specified authority of arbitrator to subpoena witnesses and documents. *(Rule 33)*
- Revised Emergency Measures of Protection and codified them within the Rules. *(Rule 37)*
- Provided for a 7-day period after the final date for submission of documents or the final day of hearing for the arbitrator to decide whether hearings can be closed. *(Rule 37)*
- Expanded confidentiality rule. *(Rule 42)*
- Allowed for chair arbitrator to determine certain disputes without consulting wings as a way to expedite proceedings. *(Rule 43)*
- Added authority for arbitrators to modify or clarify an award on their own initiative. *(Rule 49)*



- Clarified deposit procedures. (*Rule 55*)
- Specified procedures for when payment is not received. (*Rule 56*)
- Added new rule allowing arbitrator to grant sanctions. (*Rule 57*)