

# AAA<sup>®</sup> EMPLOYMENT CASE ARBITRATION ROAD MAP



## REACHING RESOLUTION

Arbitration is the out-of-court submission of a dispute to an impartial third party or parties for a binding decision. The AAA arbitration administration process comprises a well-defined set of steps by which most employment cases proceed.

							
FILING AND INITIATION	ARBITRATOR SELECTION	MANAGEMENT CONFERENCE	INFORMATION EXCHANGE AND PREPARATION	SETTLEMENT / MEDIATION	HEARING	POST-HEARING SUBMISSIONS	THE AWARD
<p><b>DAY 1 – 15</b></p> <p>The AAA typically commences administration of an arbitration case when one party submits a <b>Demand for Arbitration</b>, a <b>copy of the arbitration provision</b> from the contract between the parties, and when all filing fees have been satisfied. The AAA acknowledges receipt to all parties and provides a list of arbitrators and their curriculum vitae from the <b>AAA National Roster of Arbitrators</b> who are experienced in the field of employment law. A deadline is established for the parties to return their arbitrator lists and for respondent to answer and/or file a counterclaim. If no arbitration clause exists or the AAA is not named as the resolution provider in the parties' contract, cases may commence with the <b>consent of all parties, a filed Submission to Dispute Resolution</b>, and all <b>appropriate filing fees</b> to the AAA.</p>	<p><b>DAY 15 – 35</b></p> <p>The parties are encouraged to agree on an arbitrator(s). If the parties are unable to agree, and have not provided any method of appointment, each party will independently state its preferences from the list. The AAA invites the most mutually agreeable arbitrator(s) to serve on the case.</p>	<p><b>DAY 35 – 75</b></p> <p>Conducted by the arbitrator typically via conference call, this management conference is the first time the parties and arbitrator discuss the substantive issues of the case and procedural matters, such as exchange of information, witness lists, and dates. The Scheduling Order, which serves as the framework for hearing preparations, is established.</p>	<p><b>DAY 75 – 327</b></p> <p>61% of arbitrations that settle are resolved after the parties have started exchanging information and preparing for the hearing. The length of this phase can vary greatly, depending on the amount of information agreed to be exchanged by the parties. In order to make this phase more streamlined and efficient, the parties are encouraged to utilize the <b>AAA's Initial Discovery Protocols for Employment Arbitration Cases</b>. Taking multiple depositions along with voluminous requests for production and interrogatories can dramatically increase the length of this phase as it raises the chance of discovery disputes between the parties. This causes scheduling delays that often impacts the hearing dates. Limiting the scope of discovery to the most relevant information and forgoing depositions in exchange for affidavits can lessen the time needed for this phase and bring the parties to a more speedy resolution.</p>	<p><i>Mediation is discussed during the management conference call and parties are encouraged to engage in mediation. 80.2% of employment arbitrations are resolved prior to final award.</i></p>	<p><b>DAY 327 – 328</b></p> <p>Parties present testimony and evidence to the arbitrator.</p>	<p><b>DAY 328 – 390</b></p> <p>If the arbitrator allows, parties may submit additional documentation, usually shortly after the hearing.</p>	<p><b>DAY 390 – 420</b></p> <p>The arbitrator closes the record and, no more than 30 days later, issues a decision addressing all claims raised in the arbitration. The award may direct one or more parties to pay another party a monetary amount, or it may direct parties to take specific actions. Aside from any administrative matters unrelated to the merits of the case, the services of the arbitrator and the AAA are completed when the award is issued.</p>
<p><b>EXPECTED COSTS AT THIS STAGE</b></p> <p>The filing fee paid by the parties is due at the time of filing. Filing fees are based on the <b>Employment/Workplace Fee Schedule</b>. There is no filing fee for a counterclaim. No refunds are available under the Employment/Workplace Fee Schedule.</p>	<p><b>EXPECTED COSTS</b></p> <p>None.</p>	<p><b>EXPECTED COSTS</b></p> <p>After the management conference call, the AAA may require deposits in advance of any hearings to cover the arbitrator's anticipated compensation and expenses. The employer or company shall pay the arbitrator's compensation unless the employee or individual, post dispute, voluntarily elects to pay a portion of the arbitrator compensation.</p>	<p><b>EXPECTED COSTS</b></p> <p>A non-refundable case-management fee will be assessed to the employer or company 90 calendar days after the date of receipt of a Demand for Arbitration. Should the case close for any reason within 90 days of the receipt of the Demand for Arbitration, the case-management fee will not be charged.</p>	<p><b>EXPECTED COSTS</b></p> <p>The parties are responsible for the mediator's compensation plus an AAA fee of \$75 for each hour charged by the mediator.</p>	<p><b>EXPECTED COSTS</b></p> <p>The arbitrator is compensated for time spent in hearings, reviewing evidence, and reasonable expenses, such as mileage and tolls.</p>	<p><b>EXPECTED COSTS</b></p> <p>The arbitrator is compensated for reviewing evidence and any post-hearing submissions, as well as drafting the award. Any unused deposits are returned to the parties after the Award is rendered.</p>	<p><b>EXPECTED COSTS</b></p> <p>The arbitrator's compensation and expenses 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.</p>