

**TITLE 1: GOVERNMENT**  
**DIVISION 9: MISCELLANEOUS PROVISIONS**

**§ 9709. Interest Arbitration Panel.**

(a) If after a reasonable time an agreement has not been negotiated pursuant to 1 CMC § 9708, upon the recommendation of the assigned mediator the officer shall declare an impasse and create an interest arbitration panel to resolve the dispute. The issues for determination by the panel shall be limited to the issues certified by the officer.

(b) Within seven days of the determination of the issues, each party shall name one person to serve as its arbitrator on the panel. The officer shall appoint a neutral chairperson for the panel. Each party shall pay the fees and expenses of its arbitrator and the fees and expenses of the neutral chairperson shall be shared equally between the parties. The panel so constituted shall promptly establish a date, time and place for a hearing and shall provide reasonable notice thereof to the parties to the dispute.

(c) A hearing, which shall be informal, shall be held, and each party shall have the opportunity to present evidence and make arguments. No member of the panel may present the case for a party to the proceedings. The rules of evidence used in judicial proceedings in the Commonwealth are not binding at these proceedings, and any oral testimony or documentary evidence or other data deemed relevant by the chairperson may be received in evidence. The panel has the power to administer oaths, require the attendance of witnesses, and require the production of such books, papers, contracts, agreements and documents as may be deemed by the panel to be material to a just determination of the issues in dispute. If any person refuses to obey a subpoena issued by the panel or refuses to be sworn or to make an affirmation to testify, or any witness, party, or attorney for a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the Superior Court and the court has jurisdiction to issue an appropriate order. Any failure to obey the order may be punished by the court as a contempt thereof. The hearing conducted by the panel shall be concluded within 20 days of the selection of the neutral chairperson unless the parties agree to a longer period.

(d) The chairperson shall consult with the other members of the panel, and, within 10 days following the conclusion of the hearing, the chairperson shall make written findings of fact and a written determination of the issues in dispute, based on the evidence presented. A copy thereof shall be served on the officer, on each of the members of the panel, and on each of the parties to the dispute. That determination shall be final and binding on the parties to the dispute, subject to review by the Superior Court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

**Source:** PL 7-43, § 5, modified.