



## Summary of 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 AAA amended the Rules 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 the 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.

- The rules are being retitled 'Employment/Workplace Arbitration Rules' and will apply to all workplace and work-related disputes, including those arising out of independent contractor agreements. *(Rule R-1(b))*
- Increased the time period for a stay for a party seeking judicial intervention from 30 to 90 days. *(Rule R-2)*
- The AAA can now administratively consolidate into one case multiple claims filed by the same party arising out of the same contract. Also, multiple claims filed by the same party arising out of different contracts may be treated as individual cases. *(Rule R-4)*
- Specified procedures for determining which agreement applies when that issue is in dispute. *(Rule R-5)*
- Clarified the circumstances under which the AAA may decline or cease administration of a case. *(Rule R-10)*
- Renamed "Arbitration Management Conference" to "Preliminary Hearing;" added Preliminary Hearing Procedures. *(Rule R-20, P-1 and P-2)*
- Reworked exchange of information provisions to emphasize arbitrator's authority to grant necessary information exchange as required for a party to fairly present its claims and defenses. *(Rule R-21)*
- Added rule specifying the arbitrator's enforcement powers. *(Rule R-22)*
- Specified that hearings will be held virtually or by other means as approved by the arbitrator, unless the parties agree otherwise. *(Rule R-23)*
- Specified procedures for counsel to withdraw. *(Rule R-25)*
- Revised arbitrator's authority for allowing motions, including dispositive motions. *(Rule R-32)*
- Specified authority of arbitrator to subpoena witnesses and documents. *(Rule R-33)*



- Revised Emergency Measures of Protection and codified them within the Rules. (*Rule R-36*)
- 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 hearing can be closed. (*Rule R-36*)
- Expanded confidentiality rule. (*Rule R-42*)
- Allowed for the panel chairperson to determine certain disputes without consulting the full panel as a way to expedite proceedings. (*Rule R-43*)
- Added authority for arbitrators to modify or clarify an award on their own initiative. (*Rule R-49*)
- Clarified deposit procedures. (*Rule R-55*)
- Specified procedures for when payment is not received. (*Rule R-56*)
- Added new rule allowing arbitrator to grant sanctions. (*Rule R-57*)