

include, but are not limited to, background and experience, availability, acceptability, geographic location, and the expressed preferences of the parties. FMCS may also establish procedures for the removal from the Registry of Neutrals of those neutrals who fail to adhere to provisions contained in this part.

(g) *Qualifications for the FMCS Registry of Neutrals:* The following qualifications must be met by an applicant for the neutral to be placed on the FMCS Registry of Neutrals:

(1) *General Criteria:* To be considered for selection on the Registry of Neutrals, applicants must have dispute resolution training and experience in employment mediation.

(2) *Advocacy:* Any person who at the time of application is an advocate as defined in § 1480.4, must agree to cease such activity before being recommended for inclusion on the Registry of Neutrals.

(3) *Criteria for Neutrals:* Neutrals will be evaluated according to the criteria set forth in Appendix B of this part.

§ 1480.6 Listing on the Registry of Neutrals; criteria for inclusion and retention.

(a) *Selection of applicants to be placed on the Registry of neutrals:* FMCS shall determine the time intervals during which it will accept applications to be included on the Registry of Neutrals and the number of individuals it will place on the Registry. Persons seeking to be listed on the Registry of Neutrals must complete and submit an application form, which may be obtained from OANI or from the FMCS ANI Web page. Upon receipt of an executed application, OANI will review the application, assure that it is complete, make such inquiries as are necessary and submit it to the selection process established by FMCS for neutrals. The Director of the ANI or the Neutrals Committee will review the completed applications of the individuals who have been awarded the minimum number of points necessary for consideration, as set forth in § 1480.5(g). The Director of ANI or his/her designee shall make all final decisions as to whether an applicant will be listed on the Registry of Neutrals. Each applicant shall be notified in writing of the Director's decision and the general reasons for the decision.

(b) *Duration of listing; Retention on Registry of Neutrals:* Neutrals will be listed on the Registry for a one (1) year term. The Director may remove an individual from the Registry of Neutrals or refused to extend the neutral's term for violation of this part and/or the Code

of Professional Responsibility, as established by FMCS. Notice of cancellation shall be given to a person listed on the Registry of Neutrals whenever a member:

(1) No longer meets the criteria for inclusion;

(2) Does not provide a certification to FMCS that the neutral does not engage in advocacy, as defined in this part;

(3) The individual has not conducted at least three (3) cases in the previous two (2) years in which an ADR process was utilized. It is not a requirement that these cases are ones in which the parties selected the neutral from the Registry of Neutrals maintained by FMCS.

(4) The neutral has not provided the names and contact information for all the parties in three (3) of the cases the neutral participated in during the last 2 years. It is imperative the neutral inform the parties that FMCS may be contacting them to obtain general information concerning the ADR process.

(5) The neutral has not submitted a certification that he/she has met the training requirements and a statement of the manner in which those requirements were met. Individuals on the Registry of Neutrals will be required to attend one (1) hour of ethics/professional conduct training and nine (9) hours of continuing education or training in conflict resolution.

(6) The neutral has been the subject of complaints by parties who use FMCS services and the Director, after conducting an appropriate investigation, concludes there is cause for refusing to renew the neutral's term.

(7) The neutral has failed to submit his/her fee for being listed on the FMCS Registry of Neutrals.

(c) *Inactive status:* An individual on the Registry of Neutrals who continues to meet the criteria for listing on the Registry of Neutrals may request that he/she be put on "inactive status" on a temporary basis for any reason, except that the neutral wishes to return to work as an advocate; in that case, the neutral must remove his/her name from the Registry of Neutrals and apply for reinstatement when he/she is able to certify the he/she does not act as an advocate for any party.

(d) *Registry fee:* All neutrals will be required to pay an annual fee for listing on the Registry of Neutrals, as set forth in § 1480.13.

Subpart C—Selection of Neutrals by Users of the Registry of Neutrals

§ 1480.7 Freedom of choice.

Nothing contained in this part should be construed to require any party who utilizes the services of FMCS to obtain

a neutral from the computerized system established by FMCS or to contact FMCS to obtain a list of neutrals or the name of a neutral from FMCS to conduct ADR processes.

§ 1480.8 Procedures for selecting a neutral.

The OANI has been delegated the responsibility for administering the Registry of Neutrals. The OANI shall oversee the establishment and maintenance of the computerized selection process and administer the process for individual requests for FMCS to provide parties with a list of neutrals and/or the name of a neutral to handle a case.

§ 1480.9 Computerized selection system.

FMCS shall establish and maintain a computerized selection system (selection system) listing the individuals on the Registry of Neutrals. Customers of FMCS shall be able to access the computerized selection system through the FMCS homepage or through a direct worldwide web address to the selection system site. Prior to obtaining access to the selection system, a user will be required to answer a short series of questions to establish the identity of the users of the system. The system will be set up to enable the users to select a neutral on the basis of several factors, for example, geographic region, experience in a particular field and fee charged. The parties will work with the selected neutral directly; the OANI does not need to be notified of the selection. The provision of a neutral from the selection system to either one or both of the parties does not signify the adoption of any position by the FMCS regarding the party's agreement to utilize ADR procedures or the matter in dispute.

§ 1480.10 Request for neutral from FMCS.

As an alternative to the computerized selection system, parties may either request that FMCS provide them with a panel of neutrals or that FMCS appoint a neutral to work on the case. In order to request a panel of neutrals, the parties must file an individual or joint request in writing. In contrast, to request appointment of a neutral by FMCS, the parties must submit a joint request in writing. FMCS will utilize the Registry of Neutrals to provide the parties with a panel of neutrals and/or to select a neutral for the parties. The parties will work with the selected neutral directly; however, they should notify the OANI of the selection. The provision of a neutral from the selection system to either one or both of the parties does not signify the adoption of any position by the FMCS regarding the party's