

Employment Disputes:

A Comparison of AHLA¹, AAA², and JAMS Arbitration Rules

1. Do special rules apply if the employee was required to sign the agreement to arbitrate in order to become or remain employed?

AHLA	<input checked="" type="checkbox"/> yes ³	<input type="checkbox"/> no
AAA	<input checked="" type="checkbox"/> yes ⁴	<input type="checkbox"/> no
JAMS	<input checked="" type="checkbox"/> yes ⁵	<input type="checkbox"/> no

2. Do the special rules override conflicting terms in the agreement to arbitrate?

AHLA	<input checked="" type="checkbox"/> yes ⁶	<input type="checkbox"/> no
AAA	<input checked="" type="checkbox"/> yes ⁷	<input type="checkbox"/> no
JAMS	<input checked="" type="checkbox"/> yes ⁸	<input type="checkbox"/> no

3. Do the special rules require the employer to pay the arbitrator's fee and expenses, unless the employee volunteers to pay a portion of these costs?

AHLA	<input checked="" type="checkbox"/> yes ⁹	<input type="checkbox"/> no
AAA	<input checked="" type="checkbox"/> yes ¹⁰	<input type="checkbox"/> no
JAMS	<input checked="" type="checkbox"/> yes ¹¹	<input type="checkbox"/> no

AHLA Employment Rule 7.6(c) permits the arbitrator to assess these fees against the employee if his or her claim is frivolous. Similarly, AAA Rule 48 permits the arbitrator to assess these fees against the employee if the arbitrator determines employee's claim was patently frivolous or for harassment.

4. Do the special rules require the employer to pay an administrative fee or fees, even if the claim is brought by the employee?

AHLA	<input checked="" type="checkbox"/> yes ¹²	<input type="checkbox"/> no
AAA	<input checked="" type="checkbox"/> yes ¹³	<input type="checkbox"/> no
JAMS	<input checked="" type="checkbox"/> yes ¹⁴	<input type="checkbox"/> no

AHLA assesses a filing fee of \$550-\$750 for a two-party case. JAMS caps the fee for employees at \$400.

The AAA charges an employer \$1,500 for single arbitrator and \$1,950 for panel of three when an employee files a claim¹⁵—more if the employer files.¹⁶ The AAA also charges a hearing fee of \$350 per day for a single arbitrator and \$500 for a panel of three.¹⁷ AAA charges a \$300 fee if a case is held in abeyance for more than one year.¹⁸

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- ¹ The Dispute Resolution Service of the American Health Lawyers Association
- ² The American Arbitration Association
- ³ AHLA Employment Rule 2.3
- ⁴ See Costs of Arbitration following AAA Rule 48
- ⁵ JAMS Policy on Employment Arbitration Minimum Standards of Procedural Fairness (“Minimum Standards”)
- ⁶ AHLA Employment Rule 4.1(d)
- ⁷ AAA Rule 1 (AAA Rules trump an “adverse material inconsistency” in the arbitration agreement)
- ⁸ JAMS Minimum Standards, B (the proceeding must comply with the minimum standards).
- ⁹ AHLA Employee Rule 7.6(c)
- ¹⁰ AAA Rule 48: Costs of Arbitration (including AAA Administrative Fees) For Disputes Arising Out of Employer-Promulgated Plans (“AAA Costs”)
- ¹¹ JAMS Minimum Standards, Standard 6
- ¹² AHLA Employment Rule 2.3(a)
- ¹³ AAA Costs Subsection (vi)
- ¹⁴ JAMS requires all parties to pay an initial Case Management Fee. See http://www.jamsadr.com/files/Uploads/Documents/JAMS_Arbitration_Demand.pdf
- ¹⁵ AAA Costs Subsection (i) (Employee pays \$200)
- ¹⁶ AAA Costs Subsection (i). The employer pays \$1,700 filing fee if the claim will be heard by a single arbitrator and \$2,150 if a panel of three will hear the claim.
- ¹⁷ AAA Costs Subsection (ii)
- ¹⁸ AAA Costs Subsection (v)