

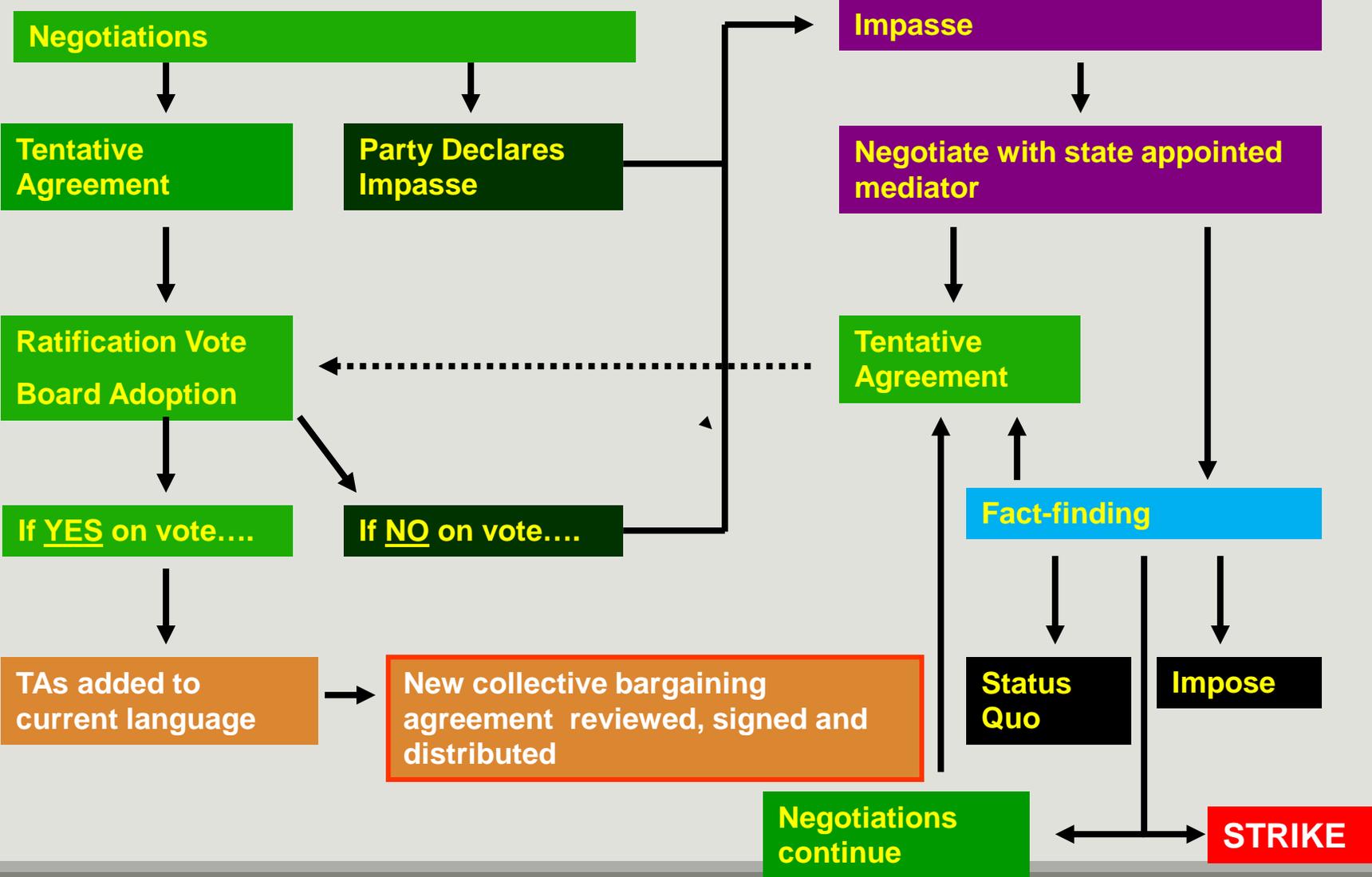
# The Impasse Procedures

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## What does impasse mean?

Under the collective bargaining law, when one or both parties in a round of bargaining cannot offer further concessions to move towards agreement, they are said to be at an “impasse”. The bargaining law establishes a set of procedures to follow when an impasse exists. These "impasse procedures" have two distinct phases: mediation and fact-finding.

# Impasse Procedures



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## What is mediation?

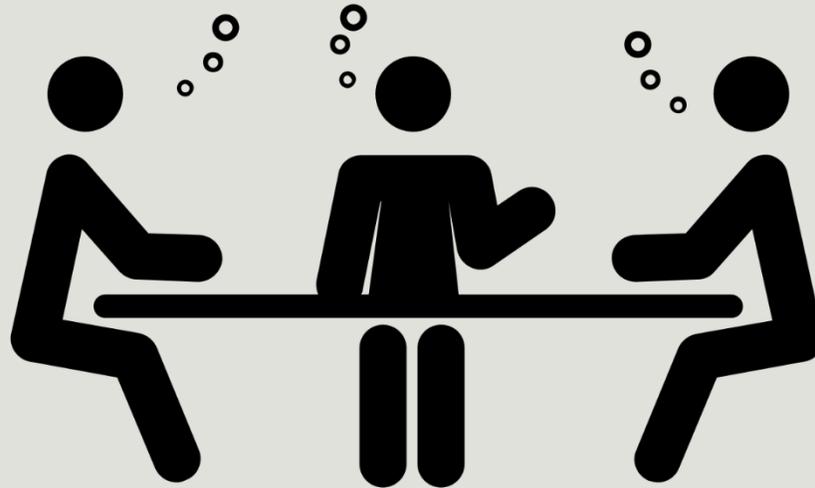
In mediation, the Public Employment Relations Board (PERB) appoints a mediator who meets with the parties to resolve the dispute. The mediator has two kinds of leverage.

1. One of the parties applies enough power/leverage to move the other
2. The mediator has the power to certify the dispute to fact-finding.

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## What is fact-finding?

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## What is fact-finding?

A fact-finding panel is established to hear presentations from the parties (the Association and the District). Each party names an advocate to serve on the fact-finding panel. These advocates choose a neutral fact-finder from a list provided by PERB. After the presentation, the neutral issues his or her findings of fact and a recommended settlement. The two advocates can either agree or disagree with the neutral's recommendations. Their statements are combined with the recommendation to form the fact-finding report. The District must make the fact-finding report public within ten days of having received it.

# EERA

## Impasse Procedure and Timeline

	1.	Either party may declare impasse and request PERB to appoint a mediator. (3548)
5 days	2.	If PERB determines that impasse exists, it shall appoint a mediator within five working days of receipt of request.
15 days	3.	If the mediator is not able to effect settlement within 15 days after appointment date and declares fact-finding is appropriate, either party, by written notice to the other, may request fact-finding.(3548.1)
5 days	4.	Each party shall select their factfinder within five days of the request for factfinding and notify PERB. (3548.1)
5 days	5.	PERB select chairman of factfinding panel within five days after partisan factfinders are selected (3548.1)
10 days	6.	Factfinding panel meets with parties and makes inquiries and investigations, hold hearings and takes appropriate steps within ten days of its appointment. (3548.2)
30 days	7.	Panel makes findings of fact and recommends terms of settlement, privately, to the parties in writing within 30 days (extended time by mutual consent). (3548.3)
10 days	8.	School Board makes findings and recommendations public. (3548.4)
	9.	Mediator may continue efforts at mediation. (3548.4)

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## **Are the recommendations binding?**

No. The recommendations are advisory and are not binding on either party.

## **Are the facts found?**

As each party presents them... Fact-finding is really an extension of bargaining. The leverage of the parties still determines the outcome.

## **What happens then?**

After fact-finding the District and the Association must consider the report. Once they have done so, the District may adopt its "last, best offer" and the Association...

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The Association's legal recourse is to strike. Strikes are legal after the impasse procedures have been exhausted.

## **What happens to the contract?**

There is no contract because the parties have not reached agreement.

## **Why not just let the District adopt its "last, best offer?"**

That would mean the end of collective bargaining in this District. The District would have learned that it could simply stonewall until the impasse procedures were exhausted and then get its way. Not one of our working conditions would be safe if this were to happen.