

## **What is IMPASSE? (a brief description)**

Under the Collective Bargaining Law, when one or both parties in a round of bargaining can not offer further concessions to move bargaining towards agreement, they are said to be at “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.

### **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. First, he or she can use the power of one of the parties to make the other offer further concessions. We provide such leverage when we mobilize to put pressure on the School board. If we don't mobilize the leverage is against us. The second power the mediator has is to certify the dispute to “fact-finding.” Only the mediator can do this.

### **Fact-Finding:**

If the mediator certifies the dispute to fact-finding, one party must initiate it by sending a request to the PERB. Once this is done, each party names an advocate to serve on the fact-finding panel. These advocates choose a neutral fact-finder from a list provided by the PERB. The advocates and the neutral make up the fact-finding panel. This panel hears a presentation by the parties. 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 (10) days of having received it.

- The recommendations are advisory and are NOT binding on either party.
- Sometimes fact-finding is really like bargaining. The relative leverage of the parties still determines the outcome.
- The fact-finding process is NOT an audit. The fact-finding panel makes its decision based on the information presented by the Association and the District.

After fact-finding, the District and the Association must consider the report. Only after they have done so, the District is free to adopt its “last, best offer.” This is called “imposing.” The Association's legal recourse is to ask its members to strike. Strikes are only legal after the impasse procedures have been exhausted.