

# **IMPASSE IN A NUTSHELL**

**IMPASSE:** When a local association and a school district are unable to reach agreement on a new contract, they go to impasse. The law provides third-party assistance from the state. The basic steps of impasse are outlined below.

*Note: The local chapter can and should continue organizing efforts during the impasse process as part of their campaign to pressure the District to a settlement.*

1. **MEDIATION:** The Public Employment Relations Board (PERB) officially declares an impasse and begins the mediation phase. PERB appoints a state mediator to work with the parties (within 5 working days).

If the mediator is not able to bring the two sides together, he/she certifies the dispute to fact finding.

2. **FACTFINDING PANEL:** Three (3) people are selected to form a panel that will consider presentations made by the two parties (within 10 days of its appointment).

- \* The panel has one representative from each side, plus a neutral whom the parties select from a list provided by PERB.
- \* The two parties present to the panel their respective bargaining proposals, their facts and analysis of the employer's "ability to pay", comparisons with other districts, the consumer price index, and overall compensation. When the panel concludes its meetings, the neutral will issue a written opinion to both parties (within 30 days). The association and district representatives may choose to agree with the neutral or write dissenting opinions.
- \* The public school employer must make public the findings and recommendations within 10 days.
- \* The neutral factfinder is usually an attorney/arbitrator who has general understanding about school finance. He/she may not be a financial expert or an accountant. A factfinding is not an audit.
- \* The neutral's time and energy are mostly devoted to listening to the party's presentations and formulating a report. It is common for a factfinder to attempt to mediate the dispute one more time.
- \* The neutral's written opinion is not binding on either party. However, the parties are obliged to consider it in a post fact finding session.
- \* The mediation and factfinding procedures are nothing more than a continuation of the bargaining process.

3. **FINAL STEP:** After the parties complete the factfinding phase, if no agreement is reached in post fact finding negotiations/mediation, the employer is free to impose its last, best & final proposal at impasse, **AND it is legal for the association to strike.**