

# **FACT FINDING IN A NUTSHELL**

## **BARGAINING DURING THE IMPASSE PROCESS:**

- ✓ *The local chapter can and should continue organizing efforts during the impasse process as part of their campaign to build power and pressure the District to a settlement.*
- ✓ *The parties (Union & District) can conduct negotiations during any point of the impasse process.*

**1. MEDIATION:** If the State mediator is not able to bring the two sides together, he/she certifies the dispute to the fact finding hearing process.

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

- \* The 3-person panel has one representative from the union and one from the district, plus a neutral whom the parties select from a list provided by Public Employment Relations Board (PERB), who consider the following:

- The bargaining proposals from the Union and the District
- State and federal laws that apply to the District
- The interest & welfare of the public and the District's "ability to pay"
- Comparisons of the wages, hours & conditions of employment with other districts
- The consumer price index AKA the cost of living
- The overall compensation and other facts not expressed above

- \* Within 30 days of the Fact-Finding Hearing, the neutral will issue a written advisory opinion, that includes recommendations for a settlement, to both parties. The union and district fact finding panel representatives can agree with the report or write dissenting opinions.

- \* The District must make public the entire fact finding report within 10 days. Nothing precludes the Union from presenting the entire report to the public.

- \* 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 process is not an audit or a finding of facts.

- \* The neutral's time and energy are mostly devoted to listening to the party's presentations and formulating an advisory report that includes recommendations for a settlement. It is common for a factfinder to attempt to mediate the dispute one more time.

- \* The neutral's written report is not binding on either party. However, both parties must consider the written report.

- \* There is no deadline to consider the report nor any obligation for the parties to meet as part of considering the fact finding report.

**3. FINAL STEP:** After considering the fact finding report (there is no time limit), both parties can implement their respective actions of recourse:

- \* ***THE UNION CAN STRIKE (as a legally protected union activity free of retaliation)***

- \* The District can impose its last, best & final proposal at impasse