

Impasse Process

1. Impasse Under the Educational Employment Relations Act (EERA) in California

The term "impasse" in the context of public school bargaining under the Educational Employment Relations Act (EERA) in California refers to a situation where the parties involved in collective bargaining (such as school districts and teacher unions) reach a point where further negotiations are not resulting in an agreement. The EERA governs the process of collective bargaining to ensure that educators have the right to participate in their professional fate through negotiations with their employers.

The purpose of the impasse procedures under the EERA is to provide a structured method to resolve disputes between educational employers and employee organizations when they cannot reach an agreement through regular negotiation processes. This is meant to ensure continued dialogue and attempts to reach a resolution, thus preventing disruptions to the educational system.

Steps in the Impasse Procedure

1. Declaration of Impasse: Either party can request the Public Employment Relations Board (PERB) to declare an impasse if they believe further negotiations will not be fruitful.
2. Mediation: Once an impasse is declared, PERB may appoint a mediator to help the parties reach an agreement. The mediator assists in discussions and proposes solutions but does not have the power to impose a settlement.
3. Fact-Finding: If mediation fails, the next step is fact-finding. Each party selects a representative for a three-member panel, and a neutral chairperson is appointed by PERB. This panel investigates the dispute, hears arguments from both sides, and then issues a report with non-binding recommendations based on its findings.
4. Post Fact-Finding Negotiations: After the fact-finding report is issued, the parties have a period during which they can return to the negotiation table to try to reach an agreement using the panel's recommendations as a guide.
5. Final Steps: If negotiations still fail after the fact-finding process, the employer may implement its last, best offer, and the employees retain the right to take collective actions, such as strikes, within the legal boundaries set by EERA.

These steps are designed to foster a resolution and ensure that the bargaining process continues methodically, ultimately aiming to prevent disruptions in public schools while respecting the rights of employees to negotiate their employment conditions.