

Steps of the Impasse Procedure

California's Educational Employment Relations Act (EERA) provides for a specific sequence of actions that occurs when parties are no longer making progress in negotiations (e.g., have reached "impasse"). These steps are intended to provide the parties with additional support and opportunity to reach a negotiated agreement. It is also important to note that the parties may return to the bargaining table and resume bargaining at any point in the impasse process.

1. **Declaration of Impasse:** One or both parties to a negotiation may file a declaration of impasse with the Public Employment Relations Board (PERB).
2. **Certification of Impasse:** Upon review of the declaration(s), PERB must certify that an impasse exists.
3. **Appointment of a Mediator:** If PERB certifies the parties are at impasses, it will appoint a mediator.
4. **Mediation:** The state-appointed mediator will meet with the parties, individually or jointly, to help them reach a mutually acceptable settlement.
5. **Fact Finding:** If mediation is unsuccessful, the parties move to "fact finding." The fact-finding panel consists of three members, including one representative of each party and one state-appointed member who serves as chair. The parties have five days to select their representative and PERB has five days from these selections to appoint its member.
6. **Fact Finding Report:** The panel must meet within 10 days of the panel selections. The panel may make inquiries, hold hearings, issue subpoenas and take other actions to analyze the issues and positions of both parties. Within 30 days (or longer, if agreed) the parties issue a non-binding report that includes findings of fact and recommendations.
7. **10-Day Quiet Period:** The parties must consider the panel's report without public disclosure for a period of 10 days and may continue to negotiate an agreement.
8. **Conclusion:** After the 10-day quiet period, the impasse process is concluded. The parties may resume negotiation. An employer may conclude bargaining by imposing contract terms. If contract terms are imposed, unions may legally engage in concerted activities such as strikes.