

## **The Negotiations Process – From Mediation to Fact-Finding to Strike Facts**

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Because of philosophical differences in expending funds, the teachers' union has declared Impasse. Although teacher unions sometimes describe a declaration of Impasse as a "breakdown in negotiations," the Impasse process is actually an extension of the negotiation process. In fact, we welcome the opportunity to once again meet with the union leadership and hope a mediator will assist in reconciling our differences.

**Q: *What is Impasse?***

**A:** Impasse is a point during negotiations at which the parties' differences on pending issues are so substantial that one or both organization declare future meetings would be futile. Once this occurs either party may declare that an Impasse exists. Next, the Public Employment Relations Board ("PERB") is the agency that appoints mediators.

**Q: *Who declared Impasse?***

**A:** The Santee Teachers' Union declared Impasse during the October 13, 2015 negotiations session.

**Q: *What is Mediation?***

**A:** The first step in the Impasse procedure is mediation. PERB will assign a mediator in an attempt to broker settlement. The mediator is a state employee who works with the district and its employee groups to seek resolution of the Impasse. Once a mediator has been appointed, the parties schedule a date for mediation.

**Q: *Has a Mediation date been scheduled?***

**A: Yes.** Mediation is scheduled for Monday, January 25, 2016.

**Q: *What happens during Mediation?***

**A:** The mediator's goal is to meet jointly and/or separately with the parties to persuade them to resolve their differences and enter into a mutually acceptable agreement.

The mediator's recommendations are private and non-binding upon the parties. The Mediator has no authority to compel a negotiations settlement. Most impasses are resolved through the Mediation process.

If agreement is not reached during mediation, negotiations enter "Fact-Finding."

**Q: *What is Fact-Finding?***

**A:** Fact-Finding is a more formal proceeding during which each party presents data and documentation to support their "case."

During Fact-Finding, each party selects an individual to appoint to a 3 member Fact-Finding panel, with a third party, commonly called "the neutral," being appointed by PERB or by mutual agreement of the parties. The Fact-Finding panel then deliberates and issues a Fact-Finding Report with non-binding recommendations which can, but may not, be contained in a subsequent agreement.

**Q: *Can teachers strike during Mediation?***

**A: No.** Teachers are not permitted to strike during Mediation.

**Q: *Can teachers strike during Fact-Finding?***

**A: No.** Teachers are not permitted to strike during Fact-Finding.

**Q: *When can teachers strike?***

**A:** Teachers can strike after the Fact-Finding panel has issued its report.

**Q: *Will the District be prepared for strike?***

**A: Yes.** Although the District is optimistic about coming to an agreement with the teachers' union soon, the District is in the process of developing a contingency plan in case a strike occurs. The District is fully committed to ensure learning experiences continue for all students under the direction of a credentialed instructor.