

Impasse Procedures Under The Higher Education Employer-Employee Relations Act (HEERA)

I. Declaration of impasse – September 20, 2006

On September 20, 2006, the California State University requested that the Public Employment Relations Board (PERB) certify that the bargaining with the California Faculty Association had reached a point of impasse, and that negotiations would be helped by the assistance of a mediator appointed by the PERB. On September 27, 2006, PERB made this determination and mediation sessions are scheduled for November 8, 9, 20 and 21.

II. Mediation schedule – November 9,10, 20, 21 and possibly December 1 or 4

Mediation will continue as long as the mediator believes that it is helping the parties make progress toward reaching an agreement. While impossible to predict, we anticipate that mediation may end as soon as December 2006, but could take as long as 3 months, ending by January 30, 2007.

If no agreement is reached in mediation and the mediator concludes that continuing mediation will not produce an agreement, then the mediator will certify that the parties proceed to fact-finding.

III. Fact-finding – One to two months

The fact-finding process involves a hearing by a panel of three fact-finders: one neutral representative appointed by the parties from a list submitted by the PERB, and one representative each for the CSU and the CFA. This hearing should be completed by mid-March 2007 provided that mediation ends by the end of January 2007.

The panel will produce a report by the end of April outlining recommendations to resolve all of the outstanding bargaining issues. The report remains confidential for 10 days while the parties work with the recommendations in crafting a settlement. A mediator appointed by the PERB may be used to help the parties during this process.

If no agreement is reached, the report then becomes public. At this time, the CSU can either accept the recommendations as written or unilaterally implement the last best offer including a salary increase for faculty without an agreement with the CFA.