

WHAT IS THE IMPASSE PROCEDURE?

All negotiations must go through a legally binding impasse procedure before the District can impose any measures. The state administrator CANNOT unilaterally impose cuts nor abrogate the collective bargaining agreement without going through the same procedure.

IMPASSE

ALL proposals must be submitted to the Bargaining Team (BT). Such proposals are then negotiated, in good faith, between the parties. If it is decided by either or both parties that a settlement cannot be reached, either party may declare an impasse and seek mediation from the Public Employee Relations Board (PERB).

MEDIATION

PERB, after determining that neither party has any further proposals, appoints a state mediator. The mediator takes steps to move the parties toward an agreement. This stage takes as long as the mediator believes there is the prospect of movement between the two bargaining teams. At some point, the mediator may declare to PERB that fact finding is appropriate and PERB installs a fact finding panel.

FACT FINDING

A panel of three members (1 selected by OEA, 1 selected by OUSD, 1 neutral selected by PERB) meets and considers evidence presented by both sides in hearings, makes inquiries, and takes any other steps deemed appropriate to find the facts regarding the areas of dispute. Negotiations may continue during all stages of the impasse procedure. If no agreement is reached within 30 days, the panel makes a written report of its findings and recommends terms of a settlement. The recommendations are not binding on either party. Bargaining may resume if it is the will of both parties.

IMPOSITION

After all impasse procedures are concluded and no agreement has been reached, THEN the district may impose its last settlement offer. At that point

the OEA Membership decides what action it should take in response to the imposition of a last, best, final offer.

You can clearly see that to move through this procedure, which hasn't even begun, can take weeks if not months. Your OEA Bargaining Team felt you needed this information in order to know what the future might hold.

Your OEA Bargaining Team is waiting for OUSD to take negotiating as seriously as we do. There will be no resolution to our bargaining situation until all parties are willing discuss the issues honestly, problem solve collaboratively, and seek creative solutions that will ensure that teaching and learning conditions in Oakland do not deteriorate to an abysmal state. Your Bargaining Team is ready to do the hard work that is necessary.

*The Bargaining team would like to thank **Trish Gorham** for detailing the steps of Impasse.*