Mediation of Contract Negotiations

Mediation—

In the course of contract negotiations between a professional local organization representing a majority of certified employees of the District, either the president of the professional local organization or the chairman of the Board may, after the parties have negotiated for ninety days, declare an impasse. If the Board elects to declare an impasse, the chairman of the Board shall deliver a written notification of the impasse to the president of the professional local organization and to the State Board of Education. Upon declaring an impasse, or upon receiving notice of declaration of an impasse from the local professional organization, the Board shall name a third-party mediator agreeable to the Board. If agreement on a third-party mediator cannot be reached between the Board and the local professional organization, the Board will request the state superintendent to appoint a mediator. The Board shall work together with the state superintendent and the professional local organization in appointing a mediator who is mutually acceptable to the Board and to the professional organization. The Board shall share equally in the cost of mediation with the local professional organization. In the event that no agreement is reached regarding a mediator, the Board shall appoint a mediator. The mediator may not without the consent of both parties make findings of fact or recommend terms for settlement.

Utah Code § 53E-6-801 (2019)

Hearing—

If the mediator appointed by the state superintendent is unable to effect settlement of the controversy within fifteen working days after his or her appointment, either the Board or the president of the local professional organization may request that the dispute be submitted to a hearing officer who will make findings of fact and recommend terms of settlement. The request shall be made in writing to the other party and to the state superintendent. The state superintendent shall appoint a hearing officer who is mutually acceptable to the Board and the professional organization. The Board will furnish the hearing officer, on request, all relevant records, documents and information, but only such records, documents, and information whose disclosure is not otherwise prohibited by state or federal law or privileged or confidential. If the final position of the parties is not resolved, the hearing officer shall issue a report containing the agreements of the parties with respect to all resolved negotiated contract issues and the positions that the hearing officer considers appropriate on all unresolved final positions of the parties. Ten days after receiving

the hearing officer's written findings and report, the Board may make the hearing officer's report public if the dispute has not been settled at that time. The Board may,

in its sole discretion, accept or reject the recommendations and findings of the hearing officer and make its own determination.

Utah Code § 53E-6-802 (2019)