



## **INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD**

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### **IMPASSE AD HOC INFORMATION & DESCRIPTIONS**

#### **General Information**

IEERB ad hoc panelists will be appointed on an as-needed basis, as determined by IEERB. Prior to being assigned a case, all ad hoc panelists will need to complete and return the supplied (1) Ethics Obligations and Acknowledgement and (2) Information Sheet. **Potential conflicts include employment with a school corporation, school employee organization, the Indiana School Board Association, or the Indiana Association of Public-School Superintendents.**

All impasse ad hoc panelists, including mediators, factfinders, and financial consultants, also will be **required to attend one IEERB training session to be eligible for assignment**. The training will assume general knowledge of mediation for mediators, hearings for factfinders, and finance for financial consultants, and will concentrate on the unique features of Indiana impasse procedures. A training stipend of \$75 will be provided to ad hoc panelists who attend the required hours of training. Travel, food, and lodging expenses for training are the responsibility of the panelists and will not be covered by IEERB.

If a case is assigned, the following hourly fees, in addition to travel costs, will be paid by IEERB: Mediator and Financial Consultants: \$110/hour; Fact Finders: \$160/hour.

#### **Mediators**

##### **Role: Help parties settle their collective bargaining agreement.**

Once IEERB has declared impasse, mediation must start within 15 days. IEERB will appoint mediators based on the location and characteristics of the school corporation, as well as any other characteristics it deems relevant. Mediation will last no more than 30 days and take place in 1-3 sessions. At the end of mediation, the parties must exchange Last, Best Offers (LBO).

##### **Abilities/Qualifications: Comfort and familiarity with mediation.**

Mediators must be familiar with, and comfortable in, a mediation setting. Experience as a mediator is recommended. Mediators should be able to use their knowledge of mediation coupled with their training to encourage settlement.

**Anticipated Time Commitment:**

Mediation will consist of 1-3 sessions within 30 days. Day one begins on the day the mediator is appointed. Mediations are typically held on weekday nights.

**Factfinders**

**Role: Investigate and provide a final solution to bargainable items.**

If the parties do not settle during mediation, they will exchange LBOs. The Factfinder will be responsible for, with the help of an assigned Financial Consultant, evaluating LBOs. The Factfinder will then investigate and hold hearings, as necessary, to resolve the dispute. Finally, Factfinders will be responsible for writing a Factfinding Report that includes findings and recommendations.

**Abilities/Qualifications: Comfort and familiarity with investigations and hearings.**

Factfinders must be familiar with, and comfortable in, a hearing setting. Factfinders must: possess excellent writing skills; possess excellent speaking skills; follow the rules and guidelines set by the statute and IEERB; and work with the assigned Financial Consultant regarding the financial impact of the LBOs on the school corporation. The following are recommended: knowledge of labor and employment law; knowledge of school law; experience as a factfinder, administrative law judge, or judge; experience in writing opinions; and experience with administrative law and/or agencies.

Note: Pursuant to IC 20-29-8-10.1, a person who has served as a mediator may not serve as a factfinder in a dispute in the same school corporation within 5 years except by mutual consent of the parties.

**Anticipated Time Commitment:**

**At least** three days should be set aside for each case within 30 days of appointment to evaluate the LBOs, conduct an investigation (including a hearing), and prepare a Factfinding Report. Factfinding hearings generally take place during the weekday. Factfinding may not exceed 30 days.

**Financial Consultants**

**Role: Investigate and provide a final solution to bargainable items.**

If the parties do not settle during mediation, they will exchange LBOs. The Financial Consultant will be responsible for advising the Factfinder about the parties' LBOs as needed, as well as attending any hearings held. Finally, the Financial Consultant will review the Factfinder's Factfinding Report prior to submission to IEERB.

**Abilities/Qualifications: Comfort and familiarity with school finance.**

Financial Consultants must have an academic and practical background in finance, as well as prior experience or training (whether academic or practical) in school finance.

**Anticipated Time Commitment:**

**At least** one full day (to assist the Factfinder with the investigation, including attending any hearings) and two half days (to evaluate the LBOs and review the Factfinding report) should be set aside for each case. Some initial reviews of LBOs may be time-consuming. Factfinding hearings generally take place during the weekday. Factfinding may not exceed 30 days.