

INDIANA EDUCATION EMPLOYMENT RELATIONS BOARD

**Nonrule Policy Document No. 2017-1:
Expedited Case Management**

The Indiana Education Employment Relations Board ("IEERB" or "the Board") oversees teacher collective bargaining, including unfair practice cases and impasse procedures.

Impasse procedures (including declaration of impasse, mediation, and fact-finding) shall be stayed by the Executive Director where an unfair practice complaint is filed and the complaint:

- (1) requests a stay of impasse procedures; and
- (2) alleges that:
 - (a) the school employer violated [IC 20-29-7-1\(a\)\(1\)](#) by interfering with, restraining, or coercing school employees in the exercise of the rights guaranteed in [IC 20-29-4](#); or
 - (b) the school employer violated [IC 20-29-7-1\(a\)\(5\)](#) by refusing to bargain collectively with an exclusive representative as required by [IC 20-29](#); or
 - (c) the school employee organization or the organization's agents violated [IC 20-29-7-2\(1\)\(A\)](#) by interfering with, restraining, or coercing school employees in the exercise of the rights guaranteed in [IC 20-29](#); or
 - (d) the school employee organization or the organization's agents violated [IC 20-29-7-2\(3\)](#) by refusing to bargain collectively with a school employer if the school employee organization is the exclusive representative; and
- (3) alleges that a stay is required because the case implicates impasse procedures.

The stay shall be effective as of the date of filing.

The stay shall continue until a determination of the unfair practice complaint is made, and the complaint shall be expedited.

The Executive Director may proceed with the impasse procedures where:

- (1) the complaining party in the unfair practice complaint does not request a stay; or
- (2) the complaining party in the unfair practice complaint later requests that impasse procedures proceed; or
- (3) the Executive Director or her agent determines that a stay is inappropriate given the nature of the allegations; or
- (4) the Executive Director or her agent determines that the basis for the stay has been cured or remedied during the pendency of the unfair practice case.

See *Carmel Clay Schs.*, U-12-04-3060, at 4 (IEERB Bd. 2013); [IC 20-29-3-3.1](#)

In the event impasse is stayed, the unfair practice case shall be conducted under [IC 4-21.5-3](#) and [560 IAC 2](#), except that the case shall be expedited as described herein:

- (1) IEERB shall make a hearing officer appointment within two (2) business days of the filing of the case.
- (2) The hearing examiner shall set an expedited discovery schedule. Discovery shall be completed within sixty (60) days of the date of filing of the case.
- (3) Summary judgment motions must be filed within ninety (90) days of the date of filing of the case.
- (4) The expedited unfair practice hearing must:
 - (a) occur within one hundred eighty (180) days of the date of filing of the case; and
 - (b) result in a determination within thirty (30) days after the hearing or post-hearing briefs are filed, whichever occurs later.
- (5) The hearing examiner shall not grant any extensions of time unless an emergency exists.
- (6) The parties may not waive the expedited nature of this proceeding.
- (7) The parties are encouraged to pursue mediation to resolve the unfair practice complaint; however, mediation will not toll the timelines herein.

If the stay of impasse is lifted during the course of the expedited proceeding, the case shall no longer be on an expedited track.

When the stay is lifted, the parties shall be placed at the point in impasse or bargaining that the parties were in when the stay was effective. If there are consolidated impasse cases, the parties shall be placed in the earliest point in impasse or bargaining that the parties were in when the first relevant stay was effective.

This NPD shall not be interpreted to limit rights found in [IC 20-29](#) or [IC 4-21.5-3](#). To the extent that this NPD conflicts with any rights found in [IC 20-29](#) or [IC 4-21.5-3](#), the relevant statute shall apply.

This NPD was approved at the Board's public meeting on January 31, 2017.

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