

STAFF DISCUSSION DRAFT RE AB 646: OPTIONS

32802. Appointment of a Factfinder Under MMBA.

[OPTION 1]

Not sooner than 30 days after the appointment of a mediator, an exclusive representative may request that the parties' differences be submitted to a factfinding panel. The request must be filed with the appropriate regional office; service and proof of service pursuant to Section 32140 are required. The request shall be accompanied by documentation of the date on which a mediator was appointed.

Comments/Notes:

[OPTION 2]

Not sooner than 30 days after the appointment of a mediator, the Board shall appoint a person to chair a factfinding panel if the exclusive representative requests that the parties' differences be submitted to a factfinding panel. The request shall include or be accompanied by documentation of the date on which a mediator was appointed. The request must be filed with the appropriate regional office; service and proof of service pursuant to Section 32140 are required.

Comments/Notes:

Authority cited: Sections 3509(a) and 3541.3(e) and (g), Government Code. Reference: Section 3505.4, Government Code.

32804. Appointment of Person to Chair Factfinding Panel Under MMBA.

(a) The Board shall, within five working days from the date filed, notify the parties whether the request satisfies the requirements of Section 32802. If the request does not satisfy the requirements of Section 32802, no further action shall be taken by the Board.

Comments/Notes:

(b)

[OPTION 1]

The Board shall select and appoint the chairperson unless notified by the parties that they have mutually agreed upon a person to chair the panel in lieu of a chairperson selected by the Board. In no case will the Board be responsible for the costs of the chairperson.

Comments/Notes:

[OPTION 2]

The Board shall select and appoint the chairperson unless notified by the parties that they have mutually agreed upon a person to chair the panel in lieu of a chairperson selected by the Board. In each case where Board appoints the chairperson, the Board will submit seven names to the parties, drawn from the list of factfinders established pursuant to Government Code section 3541.3(d). The Board will, by random selection, designate one of the seven persons to serve as the chairperson unless the parties select one by alternate strike or other methodology of their choice. In no case will the Board be responsible for the costs of the chairperson.

Comments/Notes:

[OPTION 3]

Unless notified by the parties that they have mutually agreed upon a person to chair the panel, the Board shall refer each sufficient request to the State Mediation and Conciliation Service, for the appointment of a chairperson in accordance with the provisions of California Code of Regulations, title 8, Section 17300, within five working days. In no case will the Board be responsible for the costs of the chairperson or for any fees provided for by Section 17300.

Comments/Notes:

(c) "Working days," for purposes of this Section only, shall be those days when the offices of the Public Employment Relations Board are officially open for business.

Comments/Notes:

(d) The determination as to whether a request satisfies the requirements of Section 32802 shall not be appealable to the Board itself.

Comments/Notes:

Authority cited: Sections 3509(a) and 3541.3(e) and (g), Government Code. Reference: Section 3505.4, Government Code.