**Section 1130.55 Collective Bargaining and Impasse Resolution Rules for School Districts Organized under Article 34 of the School Code**

a) *If the parties fail to reach agreement after a reasonable period of mediation, the dispute shall be submitted to fact-finding in accordance with* this Section*. Either the educational employer or the exclusive representative may initiate fact-finding by submitting a written demand to the other party with a copy of the demand submitted simultaneously to the Board.* [115 ILCS 5/12(a-10)(l)]

b) *Within 3 days following a party's demand for fact-finding, each party shall appoint one member of the fact-finding panel, unless the parties agree to proceed without a tri-partite panel. Following these appointments, if any, the parties shall select a qualified impartial individual to serve as the fact-finder and chairperson of the fact-finding panel, if applicable. An individual shall be considered qualified to serve as the fact-finder and chairperson of the fact-finding panel, if applicable, if he or she was not the same individual who was appointed as the mediator and if he or she satisfies the following requirements:*

1) *membership in good standing with the National Academy of Arbitrators, Federal Mediation and Conciliation Service, or American Arbitration Association for a minimum of 10 years;*

2) *membership on the mediation roster for the Illinois Labor Relations Board or the Illinois Educational Labor Relations Board;*

3) *issuance of at least 5 interest arbitration awards arising under the Illinois Public Labor Relations Act* [5 ILCS 315]*; and*

4) *participation in impasse resolution processes arising under private or public sector collective bargaining statutes in other states.* [115 ILCS 5/12(a-10)(2)]

c) *If the parties are unable to agree on a fact-finder, the parties shall request a panel of fact-finders who satisfy the requirements in* subsection (b) *from either the Federal Mediation and Conciliation Service or the American Arbitration Association and shall select a fact-finder from such panel in accordance with the procedures established by the organization providing the panel.* [115 ILCS 5/12(a-10)(2)]

d) *The fact-finder shall have the following duties and powers:*

1) *to require the parties to submit a statement of disputed issues and their positions regarding each issue, either jointly or separately;*

2) *to identify disputed issues that are economic in nature;*

3) *to meet with the parties either separately or in executive sessions;*

4) *to conduct hearings and regulate the time, place, course, and manner of the hearings;*

5) *to request the Board to issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence;*

6) *to administer oaths and affirmations;*

7) *to examine witnesses and documents;*

8) *to create a full and complete written record of the hearings;*

9) *to attempt mediation or remand a disputed issue to the parties for further collective bargaining;*

10) *to require the parties to submit final offers for each disputed issue either individually or as a package or as a combination of both; and*

11) *to employ any other measures deemed appropriate to resolve the impasse.* [115 ILCS 5/12(a-10)(3)]

e) *If the dispute is not settled within 75 days after the appointment of the fact-finding panel, the fact-finding panel shall issue a private report to the parties that contains advisory findings of fact and recommended terms of settlement for all disputed issues and that sets forth a rationale for each recommendation. The fact-finding panel, acting by a majority of its members, shall base its findings and recommendations on the following criteria, as applicable:*

1) *the lawful authority of the employer;*

2) *the federal and State statutes or local ordinances and resolutions applicable to the employer;*

3) *prior collective bargaining agreements and the bargaining history between the parties;*

4) *stipulations of the parties;*

5) *the interests and welfare of the public and the students and families served by the employer;*

6) *the employer's financial ability to fund the proposals based on existing available resources, provided that such ability is not predicated on an assumption that lines of credit or reserve funds are available or that the employer may or will receive or develop new sources of revenue or increase existing sources of revenue;*

7) *the impact of any economic adjustments on the employer's ability to pursue its educational mission;*

8) *the present and future general economic conditions in the locality and State;*

9) *a comparison of the wages, hours and conditions of employment of the employees involved in the dispute with the wages, hours and conditions of employment of employees performing similar services in public education in the 10 largest U.S. cities;*

10) *the average consumer prices in urban areas for goods and services, which is commonly known as the cost of living;*

11) *the overall compensation presently received by the employees involved in the dispute, including:*

A) *direct wage compensation;*

B) *vacations, holidays, and other excused time;*

C) *insurance and pensions;*

D) *medical and hospitalization benefits;*

E) *the continuity and stability of employment and all other benefits received; and*

F) *how each party's proposed compensation structure supports the educational goals of the district;*

12) *changes in any of the circumstances listed in* subsection(e)(1) through (11) *during the fact-finding proceedings;*

13) *the effect that any term the parties are at impasse on has or may have on the overall educational environment, learning conditions, and working conditions within the school district; and*

14) *the effect that any term the parties are at impasse on has or may have in promoting the public policy of this State.* [115 ILCS 5/12(a-10)(4)]

f) *The fact-finding panel's recommended terms of settlement shall be deemed agreed upon by the parties as the final resolution of the disputed issues and incorporated into the collective bargaining agreement executed by the parties, unless either party tenders to the other party and the chairperson of the fact-finding panel a notice of rejection of the recommended terms of settlement with a rationale for the rejection, within 15 days after the date of issuance of the fact-finding panel's report. If either party submits a notice of rejection, the chairperson of the fact-finding panel shall* promptly release *the fact-finding panel's report and the notice of rejection for public information by delivering a copy to all newspapers of general circulation in the community with simultaneous written notice to the parties.* [115 ILCS 5/12(a-10)(5)]

g) *Educational employees in a school district organized under Article 34 of the School Code shall not engage in a strike* until *at least 30 days have elapsed after a fact-finding report has been released for public information.* [115 ILCS 5/13(b)]

h) *Educational employees in a school district organized under Article 34 of the School Code shall not engage in a strike* unless *at least three-fourths of all bargaining unit employees who are members of the exclusive bargaining representative have affirmatively voted to authorize the strike; provided, however, that all members of the exclusive bargaining representative at the time of a strike authorization vote shall be eligible to vote.* [115 ILCS 5/13(b)]

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