

# What is Mediation?

## Who are the mediators?

- ERB's mediators are experienced labor relations professionals who help the parties work on resolving their differences. Mediation provides both parties opportunities to informally and creatively explore settlement options. Although mediators cannot impose a settlement, their ability to articulate mutual interests and needs often facilitates a settlement.
- ERB provides mediation services to public employers and labor organizations for a variety of situations, including collective bargaining, grievance mediation, and unfair labor practices.

## How does it work w/bargaining?

- When a public agency and a certified employee organization fail to agree to a collective bargaining agreement after 150 days of bargaining, the Public Employee Collective Bargaining Act (PECBA), per [ORS 243.712](#), allows either party to submit a list of unresolved issues to the State Conciliator. The State Conciliator assigns a mediator to assist the parties in the bargaining process.



# What does mediation look like?

## **Bargaining sessions turn into mediation sessions:**

- Management & our Union will remain in 2 separate “rooms” if we choose to
- Each party will speak to one another through the mediator
- It will feel like a long caucus
- We might have to make decisions quickly if we are close to agreement.

## What if we still can't reach agreement?

- If no agreement is reached in mediation, “strike permitted” bargaining units have the option of jointly agreeing to fact finding or proceeding with a declaration of impasse, final offer - cost summary process.
- If, after this process, parties do not reach agreement, the public agency may implement its final offer and the labor organization may strike.
- The State Conciliation Service continues to assist the parties in reaching a final agreement at all times prior to interest arbitration, impasse, implementation, or strike.
- Over ninety percent (90%) of PECBA contract negotiation cases referred to mediation are settled prior to interest arbitration or strike. Less than 1% of these cases result in strike. Where a strike does occur, ERB continues mediations until a resolution is achieved.