

Kansas Administrative Regulations

Agricultural Labor Relations Board

Article 2.—Procedure

12-2-12. Impasse resolution.

a. Petition filing—In the event a recognized employee organization or an agricultural employer believes an impasse in negotiations exists, such recognized employee organization or agricultural employer may file a request for assistance at impasse with the board.

1. Such request shall be in writing and shall show whether a joint party or single party request is being made.

2. Such request shall also show the names and addresses of the parties to the dispute.

b. The board, upon receipt of such request, shall, as expeditiously as possible, investigate and rule whether an impasse exists or whether the parties shall continue to meet.

c. In the event the board declares that an impasse exists, the board shall appoint a mediator from a list of qualified persons maintained by the board.

d. If the impasse exists seven days after the mediator first meets with the parties, or upon notice to the board by the mediator that the impasse still exists, the board shall appoint a fact finder or panel of fact finders.

1. The board shall ascertain from the parties their preference for an individual fact finder or a panel of fact finders. In the event the parties to the dispute cannot agree upon the number of fact finders to be utilized, the board shall appoint such person or persons as it shall deem necessary to effectuate the provisions of the act.

2. The fact finder or panel of fact finders shall submit to the parties and the board the fact-finding report no later than twenty-one days from the date of the fact-finding hearing.

e. If the parties have not resolved the impasse by the end of a forty-day period commencing with the submission of the report of the fact-finding board, the agricultural labor relations board shall forthwith schedule an arbitration hearing.

1. The board shall grant the parties a five-day period in which to select a neutral arbitrator. In the event the parties cannot within the five-day period agree on a neutral arbitrator, the board may appoint such person or persons as it deems necessary, or the board may choose to hear the matter.

2. Any person or persons selected by the parties or appointed by the board to serve as a neutral arbitrator or the agricultural labor relations board, serving as an arbitration board, shall issue findings and the award no later than five days from the close of the arbitration hearing. In the event the arbitration hearing is conducted by a person or persons selected by the parties or appointed by the board, the board shall issue its order upon receipt of the arbitration award.

(Authorized by K.S.A. 44-826, K.S.A. 1977 Supp. 44-820(d); effective May 1, 1978.)

***** Authenticated Kansas Administrative Regulation *****