

Unit 12 State Employees Have a Lawful Right to Strike

What is an impasse?

Contract negotiations between a union and the State of California are governed by provisions in the California Government Code known as the Dills Act. The Dills Act requires that the state and a Union must meet and confer with each other in good faith, which includes spending an adequate amount of time to resolve impasses. Cases under that law define an impasse as that point in negotiations when both sides have negotiated to the point where neither side, in good faith, has any more room for movement.

What is the consequence of being at impasse?

There is an impasse procedure that affects cities, counties, schools, and other governmental bodies and the unions that represent their employees. That procedure must be completed before the public employer can impose its last, best, and final offer on the union; and before the union can strike or take other economic actions.

Are we at impasse?

Yes, we are. On October 26th IUOE filed for impasse with PERB and on November 1st PERB determined that an impasse exists and has assigned a mediator. Our mediation session is scheduled for December 13th.

What happens if we are at impasse?

The law is administered by an agency called the Public Employment Relations Board, known as PERB. That agency can appoint a person as a Mediator, whose job it is to try to get the parties to reach a compromise. The Mediator has no authority to impose resolution on either side.

Must we go to mediation?

If a Mediator is appointed it is an unfair labor practice if the parties fail to cooperate with the Mediator.

What happens if we fail to cooperate with mediation?

If we commit an unfair labor practice by having a work stoppage without completing the mediation process, the State can ask PERB to get an injunction, which a court can then enforce against the Union.

If we complete the Mediation process can we then go out on strike without worrying about our jobs?

YES!!!