

STATE EMPLOYMENT RELATIONS BOARD CONCILIATION SELECTION GUIDELINES (REVISED APRIL 2006)

Conciliation Order

In accordance with **Ohio Administrative Code Rule 4117-9-06(A)**, the Bureau of Mediation has determined that the following conditions have been met:

- The fact-finding report was rejected timely by at least one party by a three-fifths majority of the individuals who were eligible to vote.
- The vote of the fact-finding report was served timely upon SERB and the other party.
- Publication of the fact-finding report did occur in which the effective date of publication is stated on the board-issued notice of rejection of the fact-finding report.
- At least seven days have passed since the effective date of publication of the fact-finding report, and the parties have not reached a settlement.

Selection From Panel

The parties must mutually select the conciliator from the list provided by the alternate striking of names unless the parties agree to an alternate selection from the SERB Roster. **[O.A.C. Rule 4117-9-06(B)]**. All panel members must be residents of the state. **[O.R.C. Section 4117.14(E)(12)]**. Conciliation fees vary. Please consult the neutral's biography sheet to determine the designated per diem.

Second Panel

Because of strict timelines, SERB does not send second panels for conciliation. The parties should make an alternate selection from the SERB Roster if they are not satisfied with the panel provided.

Alternate Selection From Roster

As an alternative, the parties may mutually select any member of the SERB Roster of Neutrals who is an Ohio resident in lieu of selecting from the panel provided. **[O.A.C. Rule 4117-9-06(B)]**. If the parties are unsure whether an individual is a member of the SERB Roster or an Ohio resident, they should contact the Bureau of Mediation at **(614-644-8716)** for assistance.

Lack of Mutual Selection

SERB will not consider the selection made by one party when the other party has been unresponsive. SERB will make a discretionary appointment in this circumstance.

Notifying SERB of the Selection(s)

By the date established in the enclosed letter, the parties must make their selection(s) and notify SERB in order that it may take the necessary steps to make the appointment. All selections must be communicated in writing for consideration of appointment, include the second and third choice mutual selections, which are encouraged to avoid the need for discretionary appointments by SERB when the first choice is unavailable. **[O.A.C. Rule 4117-9-06(C)]**. In addition to submitting the written selections, call the Bureau of Mediation at **(614-644-8716)** with the selections in order that they can be considered in time for the conciliation appointment. Oral notification is authorized provided that written confirmation is sent timely. **[O.A.C. Rule 4117-9-06(D)]**.

Discretionary Appointments

If selected conciliators are unavailable or if mutual selections are not made or are not submitted timely, SERB shall appoint a conciliator at its discretion. **[O.A.C. Rule 4117-9-06(C) and (D)]**. SERB prefers not to make discretionary appointments; however, when required, SERB will appoint a neutral whose name did not appear on the panel provided.

**STATE EMPLOYMENT RELATIONS BOARD
CONCILIATION SELECTION GUIDELINES (*continued*)**

Conciliation Extensions

The parties may mutually agree to extend the timelines of the statutory conciliation procedure once the conciliator has been appointed. **[O.A.C. Rule 4117-9-06(I)]**. There are no means under the statute to extend the date of the conciliation appointment unless the parties agree to an alternate dispute settlement procedure, or unless the parties have reached a tentative agreement and provided written notification to SERB. **[O.A.C. Rule 4117-9-02(F)(1&3)]**.

Mutually-agreed Alternate Dispute Settlement Procedure

If the parties want to change the statutory structure of conciliation, the parties may devise an alternate dispute settlement procedure at any time. **[Ohio Revised Code 4117.14(E)]**. For employees who are prohibited from striking under division **(D)(1) of Section 4117.14 of the Revised Code**, a mutually agreed-upon dispute settlement procedure must provide for final and binding resolution of disputed issues by a neutral third party. The procedure shall not permit or attempt to permit the employees to strike. **[O.A.C. Rule 4117-9-03(C)]**. Conciliation fees under an alternate procedure are unrestricted.

BASIS FOR PROCEDURES AND GUIDELINES

THESE PROCEDURES AND GUIDELINES HAVE BEEN DEVELOPED AS AN INFORMATION SOURCE OF STATUTORY PROVISIONS, RULES, AND CURRENT ADMINISTRATIVE PRACTICES APPLICABLE TO THE DISPUTE SETTLEMENT PROCESS.

THESE PROCEDURES AND GUIDELINES ARE NOT COMPREHENSIVE. THE PARTIES CONTINUE TO BE RESPONSIBLE FOR KNOWING ALL STATUTORY AND RULE PROVISIONS GOVERNING THE STATUTORY DISPUTE SETTLEMENT PROCEDURE. PLEASE CONTACT THE BUREAU OF MEDIATION AT (614) 644-8716 IF THERE ARE QUESTIONS CONCERNING THE DISPUTE SETTLEMENT PROCESS.