

621—7.3(20) Mediation.

7.3(1) Request for mediation. Either party to an impasse may request that the agency assign a mediator by requesting mediation services. Requests for mediation services shall be uploaded through suPERB.

A copy of the request for mediation shall be emailed to the agency and, in addition to the request for mediation, must contain:

a. The name, address, and telephone number of the requesting party, and the name, address, telephone number, and email address of its bargaining representative or of the chairperson of its bargaining team.

b. The name, address, and telephone number of the opposing party to the impasse, and the name, address, telephone number, and email address of its bargaining representative or of the chairperson of its bargaining team.

c. A description of the collective bargaining unit involved and the approximate number of employees in the unit.

d. A statement indicating whether the public employer of the unit involved is subject to the budget certification requirements of Iowa Code section 24.17 and, if the public employer is not subject to those requirements, a statement of the date upon which the public employer's next fiscal or budget year commences.

e. A statement indicating whether the bargaining unit is a public safety or non-public safety unit as specified by Iowa Code section 20.3 and rule 621—6.4(20).

f. A concise and specific listing of the negotiated items upon which the parties have reached impasse.

g. A statement from the requesting party indicating whether the parties anticipate utilizing mediation services or the parties are putting PERB on notice that the employer and certified employee organization have commenced bargaining of a new contract. If the original request is filed for the purpose of compliance with Iowa Code section 20.22(1) and is merely notice the employer and certified employee organization have commenced bargaining, and it is later determined mediation services will be required, an amended request for mediation shall be filed with the agency.

7.3(2) Date, signature and notice. The request for mediation shall be dated and signed by an authorized representative of the requesting party. The requesting party shall also mail or email a copy of the request to the other parties to the negotiations.

7.3(3) Appointment of mediator. Upon receipt of a request for mediation, the board may appoint an impartial and disinterested person as mediator of the dispute and notify all parties of the appointment of the mediator. The board shall determine the effective date of this appointment.

7.3(4) Confidential nature of mediation. Any information, either written or oral, disclosed by the parties to the mediator in the performance of mediation duties shall not be discussed by the mediator voluntarily or by compulsion unless approved by the parties involved or permitted by Iowa Code section 20.31.

The mediator shall not disclose any information with regard to any mediation conducted on behalf of any party to any cause pending in a proceeding before a court, board, investigatory body or arbitrator, except as permitted by Iowa Code section 20.31, without the written consent of the public employment relations board. Without such written consent, the mediator shall respectfully decline, by reason of this rule, to divulge any information disclosed by a party in the performance of the mediator's duties.

7.3(5) Mediation proceedings. The mediator may hold separate or joint meetings with the parties or their representatives, and those meetings shall not be public. Mediation meetings shall be conducted at a time and place designated by the mediator. If an impasse exists ten days after the effective date of the appointment of a mediator, the mediator shall so notify the board.

7.3(6) Board mediator. When the mediator is an employee of the Public Employment Relations Board, that mediator shall not participate in any contested case arising out of any transaction or occurrence relating to those mediation activities.

7.3(7) *Costs of mediation.* The mediator shall submit in writing to the board a list of fees and expenses.

[**ARC 8317B**, IAB 12/2/09, effective 11/1/09; **ARC 8338B**, IAB 12/2/09, effective 11/10/09; **ARC 8953B**, IAB 7/28/10, effective 9/1/10; **ARC 3278C**, IAB 8/30/17, effective 8/10/17; **ARC 4457C**, IAB 5/22/19, effective 6/26/19; **ARC 5631C**, IAB 5/19/21, effective 6/23/21; **ARC 7011C**, IAB 5/3/23, effective 6/7/23]