

621—6.3(20) Negotiability disputes.

6.3(1) *Defined.* “*Negotiability dispute*” is a dispute arising in good faith during the course of collective bargaining as to whether a proposal is subject to collective bargaining under the Act.

6.3(2) *Expedited resolution.* In the event that a negotiability dispute arises between the employer and the certified employee organization, either party may petition the board for expedited resolution of the dispute. The petition shall set forth the material facts of the dispute, the precise question of negotiability submitted for resolution, and certificate of service upon the other party. The parties shall present evidence on all issues to the fact finder or arbitrator, including the issue which is the subject of the negotiability dispute. A negotiability dispute raised at the fact-finding hearing shall be upon written objection to the submission of the proposal to the fact finder or arbitrator. The objection shall request the fact finder or arbitrator to seek a negotiability ruling from the board regarding the proposal or state that the objecting party will file a petition for resolution of the dispute with the board. In the event a negotiability dispute arises at the arbitration stage of impasse procedures, either party may petition the board for expedited resolution, which petition shall be filed within seven days of the submission of final offers. Arbitrators and fact finders shall rule on all issues submitted to them including the issue which is the subject of the negotiability dispute unless explicitly stayed by the board. Arbitration awards and fact finder’s recommendations issued prior to the final determination of the negotiability dispute will be contingent upon that determination.

6.3(3) *Decisions.* The petition filed pursuant to subrule 6.3(2) shall be given priority by the board. If deemed necessary by the board, the petition may be set for hearing or argument.