

621—7.4 (20) Fact-finding.

7.4(1) *Appointment of fact finder.* Upon notification by the mediator that the dispute remains unresolved, or if the dispute remains unresolved ten days after the effective date of the appointment of the mediator, the board shall appoint a fact finder, except in disputes where all or a portion of the public employees in the bargaining unit are teachers licensed under Iowa Code chapter 260 and the public employer is a school district, community college, or area education agency. Where the parties and the mediator agree, the board shall appoint the mediator to serve as fact finder. The board may permit the parties to select their fact finder from a list of qualified neutrals maintained by the board. The board retains the authority to appoint a fact finder as provided in Iowa Code section 20.21.

7.4(2) *Powers of the fact finder.* The fact finder shall have the power to conduct a hearing, administer oaths and request the board to issue subpoenas. The subject of fact-finding shall be the impasse items unresolved by mediation. By mutual agreement, the fact finder may also assist the parties in negotiating a settlement.

7.4(3) *Notice of hearing and exchange of proposal.* The appointment of the fact finder shall be effective the date of the commencement of the fact-finding hearing. The board or fact finder shall establish the time, place and date of hearing and shall notify the parties of the same. The parties shall exchange copies of all proposals to be presented to the fact finder at least five days prior to the commencement of the fact-finding hearing; provided, however, that the parties may continue to bargain and nothing in this section shall preclude a party from making a concession or amending its proposals in the course of further bargaining. No party shall present a proposal to the fact finder which has not been offered to the other party in the course of negotiations.

7.4(4) *Briefs and statements.* The fact finder may require the parties to submit a brief or a statement on the unresolved impasse items.

7.4(5) *Hearing.* A fact-finding hearing shall be open to the public and shall be limited to matters which will enable the fact finder to make recommendations for settlement of the dispute.

7.4(6) *Report of the fact finder.* Within 15 days of appointment, the fact finder shall issue to the parties a “Report of Fact Finder” consisting of specific findings of fact concerning each impasse item, and separate therefrom, specific recommendations for resolution of each impasse item. In addition, the report shall recite the impasse items resolved by the parties during fact-finding and withdrawn from further impasse procedures. The report shall also identify the parties and their representatives and recite the time, date, place and duration of hearing sessions. The fact finder shall serve a copy of the report to the parties and file the original with the board.

7.4(7) *Action on fact finder’s report.* Upon receipt of the fact finder’s report, the public employer and the certified employee organization shall immediately accept the fact finder’s recommendations or shall within five days submit the fact finder’s recommendations to the governing body and members of the certified employee organization for acceptance or rejection. “Immediately” shall mean a period of not longer than 72 hours from said receipt. Notice to members of the employee organization shall be as provided in 621—subrule 6.4(20).

7.4(8) *Publication of report by board.* If the public employer and the employee organization fail to conclude a collective bargaining agreement ten days after their receipt of the fact finder’s report and recommendations, the board shall make the fact finder’s report and recommendations available to the public.

7.4(9) *Cost of fact-finding.* The fact finder shall submit to the parties a written statement of fee and expenses with a copy sent to the board. The parties shall share the costs of fact-finding equally.