

345.080 Petition for fact-finding panel upon deadlock -- Hearings -- Findings -- Expenses -- Rules.

- (1) If after a reasonable period, but in no event less than thirty (30) days, of negotiations over the terms of a new collective bargaining agreement or modifications in an existing agreement the parties to the negotiations are deadlocked, either party or the parties jointly may petition the board, by certified mail, return receipt requested, or by registered mail, to initiate fact finding.
- (2) Upon receipt of a petition to initiate fact finding, the secretary shall cause an investigation to determine whether or not the parties are deadlocked in their negotiations. During the course of this investigation, the secretary is empowered to utilize his or her office in an effort to effectuate a settlement between the parties through mediation and conciliation.
- (3) Upon completion of the secretary's investigation, and if a settlement between the parties has still not been reached, the secretary shall within five (5) days appoint a qualified and disinterested person as the impartial chairman of a three (3) man panel to function as the fact finders. In addition to the impartial chairman, the other two (2) members of the panel shall be one (1) member named by the labor organization and one (1) by the employer, parties to the deadlocked negotiations.
- (4) Upon consultation with the other members of the panel, the impartial chairman shall establish dates and places for public hearings. Whenever feasible, public hearings shall be held within the jurisdiction in which the employer is located. The panel may subpoena witnesses, and a written transcript of the hearing shall be made. Upon completion of the hearings the panel shall, by majority decision, make written findings of fact and recommendations for solution of the dispute. The panel shall cause all of its written findings, recommendations, and opinions to be served on the employer and labor organization (parties) and same shall be released to the public. Expenses incurred by the three (3) man panel in this section shall be paid by the parties involved in the labor dispute.
- (5) The secretary may adopt, promulgate, amend, and rescind such rules and regulations as he or she deems necessary and administratively feasible not inconsistent with the provisions of this chapter to carry out his or her responsibilities over the fact-finding procedures set forth in this section. However, unless the parties agree to extend the time for the hearings, they must be completed with recommendations from the fact-finding panel, within one hundred twenty (120) days from the date the petition to initiate the fact-finding procedure was received by the secretary.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1869, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 579, sec. 13, effective July 15, 1998. -- Amended 1974 Ky. Acts ch. 315, sec. 72. -- Created 1972 Ky. Acts ch. 120, sec. 9.