Bargaining 101

California Faculty Association

California's Higher Education Employment Relations Act details the many steps by which public higher education employees and employers reach a fair contract.

START - PUBLIC NOTICE
Sometimes referred to as "sunshining," this is the first step in public sector bargaining in which the parties provide notice to the people of California that we intend to bargain.

BARGAINING
Teams for the union and the Chancellor's team engage in face-to-face negotiations. Bargaining can take days, weeks, months, or even years.

AGREEMENT
The sides reach consensus.

IMPASSE
If the sides cannot reach agreement after bargaining in good faith, HEERA (the act guaranteeing our right to collective bargaining) allows one or both sides to declare impasse and request to go to the next statutory stage of bargaining—MEDIATION.

MEDIATION
The State Mediation and Conciliation Service assigns a mediator to assist the parties to reach a voluntary resolution of their disagreements. The mediator meets individually and collectively with the parties in mediation sessions. When and if the mediator concludes that mediation cannot produce a settlement, he or she certifies the dispute for the next step—FACTFINDING.

AGREEMENT
The sides reach consensus.

FACTFINDING

Factfinding is an opportunity for both sides to make their case to a 3-person panel that issues an advisory report. CFA and the Chancellor's team each select a factfinding panel member, and PERB provides a list of proposed neutral individuals from which one is chosen. The panel hears evidence and examines the facts. Usually, factfinding results in a 2-to-1 opinion in favor of one or the other party.

FACTFINDING BLACKOUT

Before the parties can publicly share the Factfinder report, they must wait 10 days. During this "blackout" period, the parties may try to settle the agreement without resorting to public pressure. The publications of the report is the final step in the statutory process.

AGREEMENT

The sides reach consensus.

CONCERTED ACTION/STRIKE

Once CFA has exhausted its efforts to reach an agreement and has complied with the statutory process, the union may call for concerted activities including a strike—the withholding of our labor.

and/or

UNILATERAL IMPOSTION

Once the Chancellor's team has complied with the statutory process, the Chancellor may impose his "last, best, and final offer" on the faculty.

CFA
California Faculty Association