

THE EMPLOYER, AS PROVIDED HEREIN, DOES NOT PRECLUDE AN EMPLOYEE ORGANIZATION FROM APPEARING BEFORE, OR MAKING PROPOSALS TO THE PUBLIC SCHOOL EMPLOYER AT ANY PUBLIC MEETING OR HEARING.

(I) IF UPON THE REQUEST OF EITHER PARTY THE STATE SUPERINTENDENT OF SCHOOLS DETERMINES FROM THE FACTS THAT AN IMPASSE IS REACHED IN NEGOTIATIONS BETWEEN A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION DESIGNATED AS AN EXCLUSIVE NEGOTIATING AGENT, THE ASSISTANCE AND ADVICE OF THE STATE BOARD OF EDUCATION MAY BE REQUESTED, WITH THE CONSENT OF BOTH PARTIES. IN THE ABSENCE OF CONSENT, UPON THE REQUEST OF EITHER PARTY, A PANEL SHALL BE NAMED TO AID IN THE RESOLUTION OF DIFFERENCES. THE PANEL SHALL CONTAIN THREE PERSONS, ONE TO BE APPOINTED BY EACH PARTY WITHIN THREE (3) DAYS, AND THE THIRD TO BE SELECTED BY THE OTHER TWO WITHIN TEN (10) DAYS FROM THE DATE OF THE REQUEST. THE STATE BOARD OF EDUCATION, OR THE PANEL SELECTED, SHALL MEET WITH THE PARTIES TO AID IN THE RESOLUTION OF DIFFERENCES, AND, IF THE MATTER IS NOT OTHERWISE RESOLVED, SHALL MAKE A WRITTEN REPORT AND RECOMMENDATION WITHIN THIRTY (30) DAYS FROM THE DATE OF THE REQUEST. COPIES OF THE REPORT SHALL BE SENT TO REPRESENTATIVES OF BOTH THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION. ALL COSTS OF MEDIATION SHALL BE SHARED BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(J) (1) IF THE FISCAL AUTHORITY DOES NOT APPROVE SUFFICIENT FUNDS TO IMPLEMENT THE NEGOTIATED AGREEMENT, THE PUBLIC SCHOOL EMPLOYER IS REQUIRED TO RE-NEGOTIATE THE FUNDS ALLOCATED FOR SUCH PURPOSES BY THE FISCAL AUTHORITY WITH THE EMPLOYEE ORGANIZATION PRIOR TO MAKING A FINAL DETERMINATION IN ACCORDANCE WITH A TIMETABLE AND PROCEDURE TO BE ESTABLISHED BY THE STATE BOARD OF EDUCATION.

(2) ALL COSTS OF THE IMPASSE PROCEEDINGS SHALL BE SHARED EQUALLY BY THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(K) PUBLIC SCHOOL EMPLOYERS AND EMPLOYEE ORGANIZATIONS SHALL NOT INTERFERE WITH, INTIMIDATE, RESTRAIN, COERCE OR DISCRIMINATE AGAINST PUBLIC SCHOOL EMPLOYEES BECAUSE OF THE EXERCISE OF THEIR RIGHTS UNDER SUBSECTIONS (B) AND (C) HEREOF.

(L) NOTWITHSTANDING ANY OF THE PROVISIONS OF THIS SECTION, THE PUBLIC SCHOOL EMPLOYER SHALL RENDER THE FINAL DETERMINATION AS TO MATTERS WHICH HAVE BEEN THE SUBJECT OF NEGOTIATION, BUT THIS FINAL DETERMINATION SHALL STILL BE SUBJECT TO OTHER PROVISIONS OF THIS ARTICLE CONCERNING THE FISCAL RELATIONSHIP BETWEEN THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY COMMISSIONERS, OR