

(ii) The MNCPPC and the exclusive representative may select their own fact finder from a list supplied by the American Arbitration Association or the Federal Mediation and Conciliation Service. If the parties are unable to reach agreement on fact-finding, a fact finder shall be selected pursuant to the rules of the agency that provides the list. The cost of fact-finding shall be paid equally by MNCPPC and the employee organization.

(iii) The fact finder shall conduct hearings and may administer oaths. The fact finder shall make written findings of fact and recommendations for resolution of the impasse. No later than 30 days from the date of appointment the fact finder shall transmit the findings to the MNCPPC and the exclusive representative. If the impasse continues 10 days after the report is submitted to the parties, the report shall be made available to the public.

(iv) Costs of fact-finding shall be borne equally by the parties.]

(5) (I) IF THE PARTIES HAVE NOT REACHED AN AGREEMENT ON OR BEFORE DECEMBER 1, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES ON A COLLECTIVE BARGAINING AGREEMENT THAT WOULD SUCCEED THE EXISTING AGREEMENT, EITHER PARTY MAY DECLARE A BARGAINING IMPASSE AND THE PARTIES JOINTLY SHALL APPOINT AN ARBITRATOR.

(II) IF THE PARTIES ARE UNABLE TO AGREE ON AN ARBITRATOR, THE LABOR RELATIONS ADMINISTRATOR SHALL NAME THE ARBITRATOR ON OR BEFORE DECEMBER 7, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES.

(III) NOTWITHSTANDING APPOINTMENT OF THE ARBITRATOR, NOTHING IN THIS SECTION SHALL REQUIRE COMMENCEMENT OF ARBITRATION PRIOR TO FEBRUARY 1, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES.

(IV) ON OR BEFORE FEBRUARY 1, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE ARBITRATOR SHALL DIRECT THE PARTIES TO SUBMIT:

1. A JOINT MEMORANDUM LISTING ALL ITEMS TO WHICH THE PARTIES PREVIOUSLY AGREED; AND

2. A SEPARATE MEMORANDUM OF THE PARTY'S LAST FINAL OFFER PRESENTED IN NEGOTIATIONS ON ALL ITEMS TO WHICH THE PARTIES DID NOT PREVIOUSLY AGREE.

(V) 1. ON OR BEFORE FEBRUARY 10, OR ANY LATER DATE DETERMINED BY MUTUAL AGREEMENT OF THE PARTIES, THE ARBITRATOR SHALL HOLD A NONPUBLIC HEARING ON THE PARTIES' PROPOSALS AT A TIME, DATE, AND PLACE SELECTED BY THE ARBITRATOR.

2. EACH PARTY SHALL SUBMIT EVIDENCE OR MAKE ORAL AND WRITTEN ARGUMENTS IN SUPPORT OF THE PARTY'S LAST FINAL OFFER.