

**Mediation in Cases Where the Parties are Subject to
Act 88 of 1992
Amending the Public School Code of 1949**

Collective Bargaining – Public School Settings

The following is provided for informational purposes and should not be considered a substitute for qualified legal advice.

- If after a reasonable period of negotiation an impasse exist between representatives of the public-school entity and the employee organization, the parties may voluntarily submit to mediation.
- If no agreement is reached between the parties within 45-days following the commencement of negotiations and in no event less than 126-days prior to the end of the school entity’s fiscal year (June 30th or December 31st), and mediation has not been utilized, the parties shall immediately, in writing, call in the services of the Pennsylvania Bureau of Mediation.
- Once mediation has commenced, it shall continue for so long as the parties have failed to reach an agreement.
- The mandatory collective bargaining and impasse procedures timeline, including mandatory mediation, is determined by the date on which the school entity’s fiscal year ends and not the expiration date of an existing collective bargaining agreement.
- Mediation does not “commence” until the appointed mediator’s initial joint meeting with the parties in dispute. Mediation does not commence upon the filing of written notice with the Bureau of Mediation.
- The Bureau of Mediation, in compliance with Section 1122-A of the Act and based on the information provided in the formal notice of dispute submitted to the Bureau of Mediation, notifies the Pennsylvania Labor Relations Board in cases where the parties have failed to reach agreement following 45-days after the commencement of mediation and when the parties have failed to reach agreement no later than 81-days prior to the end of the school entity’s fiscal year. However, the PLRB does not appoint Fact Finding panels unless one or both parties request such action by the PLRB.

- Following formal written notification of a dispute from the parties, it is the policy of the Bureau of Mediation to actively encourage parties to negotiate and commence ongoing mediation.
- Failure to comply with the statutory collective bargaining and mediation timelines required by the Act may result in the loss of access to otherwise available impasse procedures or impact other rights afforded by the Act and related case law, including but not limited to those defined by section 1122-A, section 1123-A, section 1125-A, or section 1131-A of [Act 88 of 1992](#).
- The Pennsylvania Labor Mediation Act (PLMA) requires confidentiality of the mediation process and all confidential information disclosed by the parties to a mediator is protected as defined by the [PLMA](#).