

**Mediation in Cases Where the Parties are Subject to
the Public Employe Relations Act
Act No. 195 of 1970**

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 a public employer and public employees, the parties may voluntarily submit to mediation. However, if no agreement is reached between the parties within 20-days following the commencement of negotiations and in no event less than 150-days prior to the public employer’s “Budget Submission Date”, the parties shall immediately, in writing, call in the service of the Pennsylvania Bureau of Mediation.
- The mandatory collective bargaining and impasse procedures timeline, including mandatory mediation, is determined by the public employer’s budget submission date and not the expiration date of an existing collective bargaining agreement.
- The “budget submission date” is defined as the date by which under law or practice a public employer’s proposed budget is submitted to the public employer’s legislative body for final action (date on which such budget is formally adopted) with exceptions as follows.
- In cases where the public employer is established as the “Commonwealth of Pennsylvania”, the statutory budget submission date is defined as February 1st.
- In cases where the public employer is a nonprofit institution, the statutory budget submission date is the last day of the nonprofit entity’s fiscal year.
- 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.
- Mediation, once commenced, shall continue for so long as the parties have not reached an agreement. In cases subject to Section 805 of the Act, mediation shall continue until the parties have reached an agreement **or** have proceeded to interest arbitration.
- The Bureau of Mediation, in compliance with Section 802 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 20-days after the commencement of mediation

and when the parties have failed to reach agreement no later than 130-days prior to budget submission date. However, the PLRB will not appoint Fact Finders or issue Arbitration panels in the absence of a formal request to the PLRB by one or both parties to a dispute.

- Following formal written notification of a dispute from the parties, it is the policy of the Bureau of Mediation to assign a mediator and actively encourage parties to negotiate and to commence mediation. Enforcement of the bargaining processes and timelines under Article 8 of PERA are within the unfair practice jurisdiction of the PLRB, or the equitable jurisdiction of the court under Article 10 of PERA.
- Failure to comply with the statutory collective bargaining and mediation timelines required by PERA 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 802, section 805, and section 1003 of the [Public Employee Relations Act](#).
- The Pennsylvania Labor Mediation Act (PLMA) requires confidentiality of the mediation process and information disclosed by the parties to a mediator is protected as defined by the [PLMA](#).