

Negotiations Timelines

A majority of public agencies hope to have new contracts in place by July 1 of each year and plan their negotiations schedule accordingly, including the time necessary for the public adoption process. Assuming a governing body has the opportunity to meet in open and closed session on the first and third Wednesday of each month, and recognizing that 85 days is an optimistic timeline, employers should conservatively plan on an additional 100 days, or about 14 weeks. Indeed, a review of published fact-finding decisions under the MMBA suggests four to five months is more typical. Here is what the negotiations timeline might look like for a June 30, 2024 expiration:

2024 Hypothetical Timeline:

November 2023	Begin negotiations preparation, including developing support for financial case and conducting comparability study
Early January 2024	Begin negotiations
March 7, 2024	Date by which parties should substantially complete good faith bargaining in order for the employer's team to request authority to declare impasse
March 14, 2024	Date by which parties should reach agreement or impasse (if including mediation)
March 14-April 14	Mediation
April 14-June 6	Fact-finding*
June 20, 2024	Last day for governing body to adopt new MOU or implement LBFO for effective date of July 1

*The potential for fact-finding adds at least 85-100 days to the timeline, assuming that fact-finders will be available to conduct hearings in the timeframe set forth by the statute. Availability of high-quality fact-finders willing to conduct fact-finding within the statutory timelines has become a significant challenge.

Fact-finding timeline example:

Time after impasse before fact-finding must be requested	+30-45 days
Time for PERB to determine if fact-finding authorized	+5 working days**
Panel member selection after PERB makes determination	+5 working days
Panel chairperson appointed by PERB	+5 working days
Time before hearing must begin	+10 days
Findings of fact and recommended terms of settlement issued	+20 days

(if no settlement and no agreed-upon extension, 30 days from appointment of chairperson)

Earliest possible implementation date +10 days
(assumes public hearing could be held same day)

Total minimum additional time for full process +85-100 days

***Because some of the statutory and regulatory deadlines are expressed in calendar days and others are expressed in work days, for the sake of consistency, five work days are counted as equivalent to seven calendar days for purposes of this time line.*