**Section 1130.30 Mediation**

a) This Section shall apply to collective bargaining between an educational employer that is not a public school district organized under Article 34 of the School Code and an exclusive representative of its employees.

b) Mediation services will be provided at any time upon joint request of the parties.

c) Mediation may be invoked upon request of one party *if, after a reasonable period of negotiation and within 90 days* prior to *the scheduled start of the forthcoming school year, the parties engaged in collective bargaining have reached an impasse* [115 ILCS 5/12(a)].

d) Mediation will automatically be invoked by the Board upon request of a party 45 days after bargaining has begun in units for which exclusive representatives have been newly certified or 45 days prior to the scheduled start of the forthcoming school year.

e) Within two days after the Board invokes mediation, the parties may submit a stipulation to defer selection of a mediator. The stipulation shall be on a form developed by the Board and shall include a provision that the parties will maintain the status quo with respect to existing terms and conditions of employment and will not engage in a strike while the stipulation is in effect. Either party may withdraw the stipulation at any time by giving notice to the other party and to the Board.

f) Requests for Mediation

1) Requests for mediation shall be in writing and shall be submitted to the Board's Chicago office at the following address:

Illinois Educational Labor Relations Board

160 N. LaSalle St., Suite N-400

Chicago IL 60601

2) Requests for mediation may also be submitted to the Board's electronic mailbox (ELRB.mail@illinois.gov). The request shall be signed by the requesting party or by both parties, if joint.

g) Requests and joint requests for mediation shall be on a form developed by the Board and shall include:

1) the name, affiliation, if any, and address of the requesting party;

2) the name, affiliation, if any, and address of the other party to collective bargaining;

3) the date collective bargaining began;

4) the date the existing contract, if any, is scheduled to expire; and

5) the date of the scheduled start of the forthcoming school year.

h) When the Board receives a request from one party, it shall investigate the request. If the Board's investigation discloses that the request was properly filed under this Part, and that the bargaining has not resulted in an agreement and the Board concludes that mediation would assist the parties, the Board shall invoke mediation. In determining whether mediation would assist the parties, the Board shall consider such factors as the number of meetings that have occurred, the number of issues in dispute, the significance of the issues in dispute, the degree of experience of the representatives of the parties in the bargaining process, and the collective bargaining history of the parties.

i) Whenever the Board receives a joint request for mediation, or whenever the Board invokes mediation, or whenever the Board has not approved a stipulation to defer selection of a mediator within two days after invocation of mediation, or whenever such a stipulation has been withdrawn, the Board shall submit to the parties a panel of three proposed mediators selected from the Illinois Educational Labor Mediation Roster. Within three days following receipt of the panel, the parties shall select one of the names on the panel or any other person they choose to serve as mediator. Whenever the parties agree to select a mediator through the Federal Mediation and Conciliation Service, the American Arbitration Association, or any other source, they shall notify the Board of their selection. If the parties fail to agree on a mediator within the three day period, the Board shall appoint a mediator.

j) The mediator may hold joint and separate conferences with the parties. The conferences shall be private unless the mediator and the parties agree otherwise.

k) Information disclosed by a party to a mediator in the performance of mediation functions shall not be disclosed voluntarily or by compulsion. All files, records, reports, documents, or other papers prepared by a mediator shall be confidential. The mediator shall not produce any confidential records of, or testify in regard to, any mediation conducted by the mediator on behalf of any party to any cause pending in any type of proceeding.

(Source: Amended at 41 Ill. Reg. 10635, effective August 1, 2017)