



MERO

MASHANTUCKET EMPLOYMENT RIGHTS OFFICE

Standing Schedule for Impasse Resolution

**For Impasse Resolution Petitions under the Mashantucket Pequot
Labor Relations Law, Title 32 M.P.T.L., Ch. 1, §10.**

In accordance with 32 M.P.T.L., Ch. 1, § 10(c)(i), the assigned MERO Board or Special Master is required to adopt procedures for reaching a decision resolving all issues within sixty (60) days of the filing of an Petition for Impasse Resolution. This Standing Schedule for Impasse Resolution is designed to produce a decision within sixty (60) days (excluding weekends and Tribal holidays) of the filing of the Petition for Impasse Resolution and will control the course of the Petition until such time as any aspect of it is modified by an order of the MERO Board or Special Master.

I. Presumptive Schedule. Unless otherwise ordered by the MERO Board or Special Master, each Petition for Impasse Resolution case will proceed in accordance with the following schedule:

- A. The first day of an evidentiary hearing will be held within fifteen (15) calendar days of the appointment of the Presiding Officer of the MERO Board or the Special Master, with notice of the hearing issuing at least two (2) business days before the hearing.
- B. As soon as feasible, and no later than one (1) business day prior to the commencement of the evidentiary hearing, each party shall file with the MERO, a proposed collective bargaining agreement, in numbered paragraphs, which the submitting party is willing to execute. Upon receipt of submissions from both parties, the MERO Director will forward each submission to the MERO Board members and other party.
- C. At the commencement of the hearing, each party shall file with the MERO Board or Special Master, and serve on the other party, a reply setting forth the following with respect to the other party's proposed collective bargaining agreement:
 - a. those paragraphs it is willing to accept, and
 - b. those paragraphs it is not willing to accept, together with any alternative contract language it would be willing to accept in lieu of each identified unacceptable paragraph.
- D. The MERO Board or Special Master will complete taking evidence within twenty (20) calendar days of the commencement of the hearing.
- E. Within seven (7) calendar days of the completion of taking evidence, a status statement approved by a majority of the MERO Board or the Special Master ("Status Statement"), will be forwarded to the parties. The Status Statement shall include, without limitation, all collective bargaining agreement provisions agreed upon by the parties through their stipulations and respective submissions, as well as those issues, identified in numbered paragraphs, remaining unresolved.

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- F. Within seven (7) calendar days of receipt of the Status Statement, each party shall submit to the MERO its statement of last best offer setting forth, in numbered paragraphs corresponding to the statement of unresolved issues contained in the Status Statement, the final agreement provisions proposed by the submitting party. Upon receipt of both statements of last best offer or upon the expiration of the time for filing the statements of last best offer, whichever is sooner, the MERO shall distribute a copy of each statement of last best offer to the other party and to the MERO Board or Special Master.
- G. Within seven (7) calendar days after the MERO's distribution of the statements of last best offer, the parties may file with the MERO briefs on the unresolved issues. Upon receipt of both briefs or upon the expiration of the time for filing briefs, whichever is sooner, the MERO shall distribute a copy of each brief to the other party and the MERO Board or Special Master.
- H. Within five (5) calendar days after distribution of the briefs on the unresolved issues, each party may file with the MERO a reply brief. Upon receipt of both reply briefs or upon the expiration of the time for filing reply briefs, whichever is sooner, the MERO shall distribute a copy of each reply brief to the other party and the MERO Board or Special Master.
- I. In accordance with 32 M.P.T.L., Ch. 1, § 10(c)(i), the hearing record is officially closed at the later of the close of the hearing or receipt of final briefs. At any time prior to the official close of the record, the parties may jointly file with the MERO signed stipulations setting forth collective bargaining agreement provisions that both parties have agreed to accept.
- J. Within twenty (20) calendar days after expiration of the time for filing the reply briefs, the MERO Board upon majority vote, or Special Master, shall issue its decision on all unresolved issues set forth in the Status Statement. In deciding each unresolved issue before it, the MERO Board or Special Master shall accept the complete final provision relating to such unresolved issue as contained in the statement of last best offer of one party or the other, or the stipulated agreement of the parties, if applicable.

II. Modification. The Standing Schedule for Impasse Resolution may be modified pursuant to a stipulation signed by the parties and approved by the MERO Board or Special Master, or by motion of any party for good cause shown, or by the MERO Board or Special Master acting *sua sponte*. The good cause standard requires a particularized showing that the standing schedule cannot reasonably be met despite the diligence of the party seeking the extension. Unless specifically ordered, the extension of time to comply with any one of the deadlines in the standing schedule does not automatically extend the time to comply with subsequent time lines. In accordance with 32 M.P.T.L., Ch. 1, § 10(c)(iii), in no event shall an award issue later than sixty (60) days (excluding weekends and Tribal holidays) after the Petition for Impasse Resolution is filed absent extension by mutual agreement of the parties.

III. Administrative Issues. In addition to any other means or manner of submission, any documents containing collective bargaining agreement language, whether proposed or agreed, or identified unresolved issues, must be forwarded by that party to the MERO electronically in word or excel and must not be secured or any password or security code must be provided.

IV. Cases Before Special Master. For cases before a Special Master, any rules, schedules or orders of the Tribal Court that address the subject matter hereof shall supersede any conflicting provisions herein.