



Ohio Administrative Code

Rule 4117-9-03 Mutually agreed-upon dispute settlement procedure.

Effective: [October 25, 2010](#)

(A) The parties may, at any time, agree to submit any or all issues in dispute to any mutually agreed-upon dispute settlement procedure authorized by section 4117.14 of the Revised Code, which procedure shall supersede the procedures set forth in rules 4117-9-04, 4117-9-05, and 4117-9-06 of the Administrative Code, and in divisions (C)(2) to (C)(6), (D), and (G) of section 4117.14 of the Revised Code.

(B) A mutually agreed-upon dispute settlement procedure shall be, filed via electronic mail with the board within five days of its execution. Where a mutually agreed-upon dispute settlement procedure is a provision in an existing collective bargaining agreement, a copy of the provision shall be filed with the notice to negotiate, and the notice shall contain a citation to the pertinent provision of the collective bargaining agreement.

(C) For employees who are prohibited from striking under division (D)(1) of section 4117.14 of the Revised Code, a mutually agreed-upon dispute settlement procedure must provide for final and binding resolution of disputed issues by a neutral third party. The procedure shall not permit or attempt to permit the employees to strike.

(D) For employees who are permitted to strike under division (D)(2) of section 4117.14 of the Revised Code, a mutually agreed-upon dispute settlement procedure may provide for final and binding resolution of issues by a neutral third party. In such a procedure, the employee organization waives its right to strike.

(E) A mutually agreed-upon dispute settlement procedure shall not require any action by the board or impose any obligation upon the board. Parties to the mutually agreed-upon dispute settlement procedure shall regularly, or upon request, keep the board informed of the status and/or progress of the mutually agreed-upon dispute settlement procedure via electronic mail. Either party to the mutually agreed-upon dispute settlement procedure may, upon showing of good cause, move the board to declare the mutually agreed-upon dispute settlement procedure concluded and to reassert



jurisdiction. The board in its discretion will determine the point at which the parties will enter the statutory procedure. Pursuant to a mutually agreed-upon procedure and upon written request, the board will provide a list of neutrals for use by the parties.

(F) Parties may, by agreement filed via electronic mail with the board, abandon a mutually agreed-upon dispute settlement procedure and jointly move for application of the statutory dispute settlement procedure set forth in divisions (C)(2) to (C)(6), (D), and (G) of section 4117.14 of the Revised Code. If the parties enter into a mutually agreed-upon dispute settlement procedure during pendency of the statutory procedure, board involvement ceases under the statutory procedure.

(G) The parties may mutually agree and notify the board via electronic mail, to extend timelines for voting on a fact-finder's report, establish methods of delivery of reports, establish a rate of pay in excess of the rate established by the board, designate another agency to provide mediation services, or by mutual agreement, modify other non-substantive procedural requirements without entering into a mutually agreed-upon dispute settlement process.