§ 702-b. Impasse resolution procedures for agricultural employers and farm laborers. 1. For purposes of this section, an impasse may be deemed to exist if the parties fail to achieve agreement by the end of a forty-day period from the date of certification or recognition of an employee organization or from the expiration date of a collective bargaining agreement.

2. Upon impasse, agricultural employers or recognized employee organizations may request the board to render assistance as provided in this section. If the board determines an impasse exists in the course of collective negotiations between an agricultural employer and a recognized employee organization, the board shall aid the parties in effecting a voluntary resolution of the dispute.

3. On request of either party, as provided in subdivision two of this section, and in the event the board determines that an impasse exists in collective negotiations between such employee organization and an agricultural employer as to the conditions of employment of farm laborers, the board shall render assistance as follows:

a. to assist the parties to effect a voluntary resolution of the dispute, the board shall appoint a mediator from a list of qualified persons maintained by the board;

b. if the mediator is unable to effect settlement of the controversy within thirty days after his or her appointment, either party may petition the board to refer the dispute to a neutral arbitrator;

c. upon petition of either party, the board shall refer the dispute to a neutral arbitrator as hereinafter provided;

i. the neutral arbitrator shall be appointed jointly by the agricultural employer and employee organization within ten days after receipt by the board of a petition for arbitration. Each of the respective parties is to share equally the cost of the neutral arbitrator. If, within seven days after the mailing date, the parties are unable to agree upon the neutral arbitrator, the board shall submit

to the parties a list of qualified, disinterested persons for the selection of a neutral arbitrator. Each party shall alternately strike from the list one of the names with the order of striking determined by lot, until the remaining one person shall be designated as the neutral arbitrator. This process shall be completed within five days of receipt of this list. The parties shall notify the board of the designated neutral arbitrator;

ii. the neutral arbitrator shall hold hearings on all matters related to the dispute. The parties may be heard either in person, by counsel, or by other representatives, as they may respectively designate. The panel may grant more than one adjournment each for each party; provided, however, that a second request of either party and any subsequent adjournments may be granted on request of either party, provided that the party which requests the adjournment shall pay the arbitrator's fee. The parties may present, either orally or in writing, or both, statements of fact, supporting witnesses and other evidence, and argument of their respective positions with respect to each case. The arbitrator shall have authority to require the production of such additional evidence, either oral or written as she or he may desire from the parties and shall provide at the request of either party that a full and complete record be kept of any such hearings, the cost of such record to be borne by the requesting party. If such record is created, it shall be shared with both parties regardless of which party paid for it;

iii. the arbitrator shall make a just and reasonable determination of the matters in dispute. In arriving at such determination, the arbitrator shall specify the basis for her or his findings, taking into consideration, in addition to any factors stipulated by the parties or any other relevant factors, the following:

A. comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours, and conditions of employment of other employees performing similar services or requiring similar skills under similar working conditions and with other employees generally in agricultural employment in

comparable communities;

B. the interests and welfare of the farm laborers and the financial ability of the agricultural employer to pay;

C. comparison of peculiarities in regard to other trades or professions, including specifically, (i) hazards of employment; (ii) physical qualifications; (iii) educational qualifications; (iv) mental qualifications; (v) job training and skills;

D. the terms of collective agreements negotiated between the parties in the past providing for compensation and fringe benefits; and

E. the impact on the food supply and commodity pricing.

iv. the determination of the neutral arbitrator shall be final and binding upon the parties for the period prescribed by the arbitrator, but in no event shall such period exceed two years from the date of the arbitrator's determination;

v. the determination of the public arbitration panel shall be subject to review by a court of competent jurisdiction in the manner prescribed by law.