To parties appearing before the JLMC and their representatives:

We want to notify you of some changes in the way we will be conducting investigation hearings held in accordance with Section 3(a) of Chapter 589 of the Acts of 1987 (commonly referred to as "3(a) hearings.")

New policy: Effective for all hearings held after July 1, 2012, ***all parties will be required to submit their respective issues in dispute in writing at the 3(a) hearing.*** The JLMC will not allow parties to make a verbal presentation of the issues at the hearing as an alternative to the written submission. In addition, the JLMC will not allow parties to wait a certain number of days after the 3(a) hearing (whether 7 days, 10 days, or some other number of days or weeks) to submit the issues in writing – i.e., they must be presented in writing at the time of the 3(a) hearing.

Background and explanation: Chapter 589 authorizes the JLMC to conduct a 3(a) hearing in a dispute over which it has taken jurisdiction in certain circumstances. Specifically, the Committee must determine that the issues in dispute have remained unresolved for an unreasonable length of time resulting in the apparent exhaustion of the processes of collective bargaining in order to call for such a hearing.

The letter that we have been sending to parties after the Committee votes to schedule a 3(a) hearing includes the following language (or substantially identical language):

"[T]he Committee requests each party to present a written submission of the issues that remain in dispute to the panel at the time of the hearing." (emphasis added).

The purpose of the 3(a) hearing, according to Chapter 589 and the JLMC's Adopted Rules, is to identify the issues in dispute between the parties, the parties' current positions, the parties' views on how the dispute should be resolved, and the parties' preferences concerning the mechanism to be followed to reach a final agreement. The "hearing officers" (typically, but not always, a tripartite panel) who conduct the 3(a) hearing subsequently report the information gathered at the 3(a) hearing to the entire Committee at a future meeting. The Committee then votes on the procedures and mechanisms to be utilized to resolve the collective bargaining disputes.

It is apparent, notwithstanding the language in Chapter 589, the JLMC's Adopted Rules, and the request set out in our letters, that there have been a variety of inconsistent and confusing practices regarding the timing and format in which the issues in dispute are submitted.

We have concluded that having the disputed issues submitted in writing at the hearing, rather than sending them in days or weeks later, is the most efficient and meaningful procedure. Having the ability to review written submissions at the hearing allows the "3(a) panel" (most of whom are volunteers) to identify and resolve most disagreements

over the identification of such issues at that time, rather than having to calendar, follow up on, and find additional time to review and confer over post-hearing submissions.

Therefore, effective for all 3(a) hearings held after July 1, 2012, the JLMC will be enforcing the requirement that the parties submit a written copy of the disputed issues at the 3(a) hearing. We reserve the right to enforce this requirement by means that will effectuate its purpose, including but not limited to further narrowing of and limiting the issues of parties who do not submit their issues in writing at the time of the 3(a) hearing,