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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- MUNICIPAL EMPLOYEES'
ARBITRATION

Introduced By: Representatives Bennett, Marshall, Canario, Barros, and Lima

Date Introduced: February 01, 2017

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-9.4-1, 28-9.4-3, 28-9.4-4, 28-9.4-12 and 28-9.4-13 of the
2 General Laws in Chapter 28-9.4 entitled "Municipal Employees' Arbitration" are hereby amended
3 to read as follows:

4 **28-9.4-1. Declaration of policy -- Purpose.**

5 (a) It is declared to be the public policy of this state to accord to municipal employees, as
6 hereinafter defined, the right to organize, to be represented, to negotiate, and to bargain on a
7 collective basis with municipal employers, as hereinafter defined, ~~covering~~ hours, ~~salary, working~~
8 ~~conditions~~ wages, rates of pay, and all other terms and conditions of employment; provided, that
9 nothing contained in this chapter shall be construed to accord to municipal employees the right to
10 strike.

11 (b) To provide for the exercise of these rights, a method of arbitration of disputes is
12 hereby established. The establishment of this method of arbitration shall not, however, in any way
13 whatsoever, be deemed to be a recognition by the state that compulsory arbitration is a superior
14 method of settling labor disputes between employees who possess the right to strike, and their
15 employers, but rather shall be deemed to be an acknowledgement solely of the necessity to
16 provide some alternative mode of settling disputes where employees must, as a matter of public
17 policy, be denied the usual right to strike.

18 **28-9.4-3. Right to organize and bargain collectively.**

1 (a) The municipal employees of any municipal employer in any city, town, or regional
2 school district shall have the right to negotiate and to bargain collectively with their respective
3 municipal employers and to be represented by an employee organization in the negotiation or
4 collective bargaining concerning hours, ~~salary, working conditions~~ wages, rates of pay, and all
5 other terms and conditions of employment.

6 (b) Notwithstanding the provisions of subsection (a), for those municipal employees who
7 are employed by school districts, collective bargaining agreements shall not provide for benefits
8 for health care ("benefit plans") for school district employees unless such benefit plans are
9 authorized in accordance with chapter 27-73. School district employees whose collective
10 bargaining agreements expire on or after September 30, 2011 may, upon expiration of such
11 collective bargaining agreements, receive benefit plans including, but not limited to, those
12 recommended in accordance with chapter 27-73.

13 **28-9.4-4. Recognition of bargaining agent.**

14 The employee organization selected by the municipal employees in an appropriate
15 bargaining unit, as determined by the state labor relations board, shall be recognized by the
16 municipal employer or the city, town, or district as the sole and exclusive negotiating or
17 bargaining agent for all of the municipal employees in the appropriate bargaining unit in the city,
18 town, or school district unless and until recognition of the employee organization is withdrawn or
19 changed by vote of the municipal employees in the appropriate bargaining unit after a duly
20 conducted election held pursuant to the provisions of this chapter. An employee organization or
21 the municipal employer may designate any person or persons to negotiate or bargain in its behalf
22 provided, however, that the person or persons so designated shall be given the authority to enter
23 into an effective and binding collective bargaining agreement.

24 **28-9.4-12. Hearings.**

25 (a) The arbitrators shall call a hearing to be held within ten (10) days after their
26 appointment and shall give at least seven (7) days notice, in writing, to the negotiating or
27 bargaining agent and the municipal employer of the time and place of the hearing.

28 (b) The hearing shall be informal, and the rules of evidence prevailing in judicial
29 proceedings shall not be binding. Any and all documentary evidence and other data deemed
30 relevant by the arbitrators may be received in evidence.

31 (c) The arbitrators shall have the power to administer oaths and to require by subpoena
32 the attendance and testimony of witnesses, and the production of books, records, and other
33 evidence relative or pertinent to the issues presented to them for determination.

34 (d) Both the negotiating or bargaining agent and the municipal employer shall have the

1 right to be represented at any hearing before the arbitrators by counsel ~~of their own choosing~~.

2 (e) The hearing conducted by the arbitrators shall be concluded within twenty (20) days
3 of the time of commencement, and within ten (10) days after the conclusion of the hearings, the
4 arbitrators shall make written findings and a written opinion upon the issues presented, a copy of
5 which shall be mailed or otherwise delivered to the negotiating or bargaining agent or its attorney
6 or other designated representative and the municipal employer. [A majority decision of the
7 arbitrators shall be final and binding upon both the bargaining agent and the municipal employer.](#)

8 **28-9.4-13. Appeal from decision.**

9 (a) The decision of the arbitrators shall be made public and shall be binding upon the
10 municipal employees in the appropriate bargaining unit and their representative and the municipal
11 employer on all matters ~~not involving the expenditure of money~~.

12 (b) The decision of the arbitrators shall be final and cannot be appealed except on the
13 ground that the decision was procured by fraud or that it violates the law, in which case appeals
14 shall be to the superior court.

15 (c) The municipal employer shall within three (3) days after it receives the decision send
16 a true copy of the decision by certified or registered mail postage prepaid to the department or
17 agency of the municipal employer responsible for the preparation of the budget and to the agency
18 of the municipal employer which appropriates money for the operation of the particular municipal
19 function or service in the city, town, or regional school district involved, if the decision involves
20 the expenditure of money.

21 SECTION 2. Chapter 28-9.4 of the General Laws entitled "Municipal Employees'
22 Arbitration" is hereby amended by adding thereto the following sections:

23 **28-9.4-10.1. Continuance of contractual provisions.**

24 [All contractual provisions contained in a collective bargaining agreement entered into
25 pursuant to this chapter shall continue in the subsequent collective bargaining agreement, unless
26 either the bargaining agent or the corporate authority shall, in writing, within the thirty \(30\) day
27 period referred to in §28-9.4-10, propose a change in any existing contractual provision. In the
28 event that at the conclusion of the thirty \(30\) day period referred to in §28-9.4-10 a successor
29 collective bargaining agreement has not been reached, then all contractual benefits in effect in the
30 predecessor agreement shall continue to be in effect and enforceable until such time as a
31 successor agreement has been reached between the parties or an arbitration award has been
32 rendered.](#)

33 **28-9.4-12.1. Factors to be considered by arbitration board.**

34 [The arbitrators shall conduct the hearings and render their decision upon the basis of a](#)

1 prompt, peaceful and just settlement of wages, rates of pay, hours or terms and conditions of
2 employment disputes, between the municipal employees and the municipal employer by which
3 they are employed. The factors among others, to be given weight by the arbitrators in arriving at a
4 decision shall include:

5 (1) Comparison of wage rates or hourly conditions of employment of a municipal
6 employer in question with prevailing wage rates or hourly conditions of employment for the same
7 or similar work of employees exhibiting like or similar skills under the same or similar working
8 conditions in the local operating area involved;

9 (2) Comparison of wage rates or hourly conditions of employment of the municipal
10 employer in question with wage rates or hourly conditions of employment maintained for the
11 same or similar work of employees exhibiting like or similar skills under the same or similar
12 working conditions in the local operating area involved;

13 (3) Comparison of wage rates or hourly conditions of employment of the municipal
14 employer in question with wage rates or hourly conditions of employment of municipal
15 employers in cities or towns of comparable size;

16 (4) Interest and welfare of the public;

17 (5) Comparison of peculiarities of employment with other trades or professions,
18 specifically:

19 (i) Hazards of employment;

20 (ii) Physical qualifications;

21 (iii) Educational qualifications;

22 (iv) Mental qualifications; and

23 (v) Job training and skills.

24 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- MUNICIPAL EMPLOYEES'
ARBITRATION

1 This act would grant municipal employees the right to binding arbitration on contract
2 formation financial issues. It would also allow existing contract language to continue to apply
3 even after its expiration under certain conditions.

4 This act would take effect upon passage.

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