

2018 -- S 2158 SUBSTITUTE A

LC003480/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

**RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MUNICIPAL POLICE AND
FIREFIGHTERS' ARBITRATION**

Introduced By: Senators Coyne, Lombardi, Seveney, Calkin, and DiPalma

Date Introduced: January 23, 2018

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 28-9.1 of the General Laws entitled "Firefighters' Arbitration" is
2 hereby amended by adding thereto the following section:

3 **28-9.1-18. Exclusive bargaining representative obligations.**

4 (a) The exclusive representative shall have the right to act for and negotiate agreements
5 covering all employees in the bargaining unit. Nothing in the provision shall require the exclusive
6 representative to provide representation at any level of the grievance process, including
7 arbitration, in any case on behalf of an employee who has elected not to maintain membership in
8 the employee organization for a period of at least ninety (90) days prior to the events giving rise
9 to the grievance.

10 (b) An employee who has elected not to maintain membership in the employee
11 organization may, at their own expense, pursue a grievance against the employer and have such
12 grievance heard, without intervention by the exclusive representative, provided that the exclusive
13 representative is afforded the opportunity to be present at such grievance/arbitration hearing and
14 that any resolution of the grievance shall not be inconsistent with the terms of the collective
15 bargaining agreement then in effect between the employer and the exclusive representative. The
16 exclusive representative shall have no obligation to incur expenses related to a grievance initiated
17 by an employee who has elected not to maintain membership in the employee organization for a
18 period of at least ninety (90) days prior to the events giving rise to the grievance.

1 SECTION 2. Chapter 28-9.2 of the General Laws entitled "Municipal Police Arbitration"
2 is hereby amended by adding thereto the following section:

3 **28-9.2-18. Exclusive bargaining representative obligations.**

4 (a) The exclusive representative shall have the right to act for and negotiate agreements
5 covering all employees in the bargaining unit. Nothing in the provision shall require the exclusive
6 representative to provide representation at any level of the grievance process, including
7 arbitration, in any case on behalf of an employee who has elected not to maintain membership in
8 the employee organization for a period of at least ninety (90) days prior to the events giving rise
9 to the grievance.

10 (b) An employee who has elected not to maintain membership in the employee
11 organization may, at their own expense, pursue a grievance against the employer and have such
12 grievance heard, without intervention by the exclusive representative, provided that the exclusive
13 representative is afforded the opportunity to be present at such grievance/arbitration hearing and
14 that any resolution of the grievance shall not be inconsistent with the terms of the collective
15 bargaining agreement then in effect between the employer and the exclusive representative. The
16 exclusive representative shall have no obligation to incur expenses related to a grievance initiated
17 by an employee who has elected not to maintain membership in the employee organization for a
18 period of at least ninety (90) days prior to the events giving rise to the grievance.

19 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 PUBLIC OFFICERS AND EMPLOYEES -- MUNICIPAL POLICE AND
FIREFIGHTERS' ARBITRATION

- 1 This act would relieve municipal police and firefighter bargaining representatives from
2 their obligation to represent employees in grievances/arbitrations if they were not members of the
3 bargaining unit within the ninety (90) days prior to the events that caused the grievance.
4 This act would take effect upon passage.

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