

1 H.300

2 Introduced by Representatives Wright of Burlington, Condon of Colchester,
3 Degree of St. Albans City, Komline of Dorset and McAllister of
4 Highgate

5 Referred to Committee on

6 Date:

7 Subject: Education; teachers; collective bargaining; strikes; arbitration

8 Statement of purpose: This bill proposes to prohibit teachers and school
9 administrators from striking and school boards from imposing contracts; to
10 require mandatory binding arbitration; and to require that voters in a school
11 district in which the mandated arbitration has resulted in a contract that
12 exceeds the previous approved budget by more than a certain percentage be
13 provided the opportunity to approve or disapprove of the budget.

14 An act relating to the requirement of mandatory binding arbitration and the
15 elimination of strikes and imposed contracts in connection with the
16 collective bargaining for teachers' and school administrators' contracts

17 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 16 V.S.A. § 2011 is added to read:

2 § 2011. MANDATORY DETERMINATION BY THE VERMONT LABOR

3 RELATIONS BOARD

4 (a) If the parties' dispute remains unresolved as to any issue on the 15th
5 day after delivery of the fact-finding commission's report under section 2007
6 of this title or if the parties otherwise agree that they have reached an impasse,
7 each party shall submit to the state labor relations board its last best offer on all
8 undisputed issues which shall be reviewed and decided upon as a single
9 package. The labor relations board may hold hearings and may consider the
10 recommendations of the fact-finding committee, if one has been activated.

11 (b) In reaching a decision, the labor relations board shall give weight to all
12 relevant evidence presented by the parties, including:

13 (1) The lawful authority of the school board.

14 (2) Stipulations of the parties.

15 (3) The interest and welfare of the public and the financial ability of the
16 school board to pay for increased costs of public services, including the cost of
17 labor.

18 (4) Comparisons of the wages, hours, and conditions of employment of
19 the employees involved in the dispute with the wages, hours, and conditions of
20 employment of other employees performing similar services in public schools

1 in comparable communities or in private employment in comparable
2 communities.

3 (5) The average consumer prices for goods and services commonly
4 known as the cost of living.

5 (6) The overall compensation currently received by the employees,
6 including direct wages, fringe benefits, and continuity conditions and stability
7 of employment, and all other benefits received.

8 (7) Prior negotiations and existing conditions of other school and
9 municipal employees.

10 (c) Within 30 days of receiving the last best offers of the parties, the labor
11 relations board shall select between these offers, considered in their entirety
12 without amendment, and shall determine its cost. The labor relations board
13 shall not issue an order under this subsection that is in conflict with any law or
14 rule or that relates to an issue that is not bargainable. The labor relations board
15 shall file one copy of the decision with each city or town clerk in the school
16 district involved, the school board, and the recognized organization. Except as
17 provided in subsection (d) of this section, the decision of the labor relations
18 board shall be final and binding on the parties.

19 (d) If the contract selected by the labor relations board in subsection (c) of
20 this section includes a dollar amount, which represents the salary plus
21 individual benefits for any step and column on the pay scale, that exceeds the

1 dollar amount for the salary plus individual benefits for that step and column in
2 the parties' most recently approved contract by more than the state of
3 Vermont's most recent total rate of salary adjustment available to classified
4 employees under the collective bargaining agreement plus two percent, then
5 the selected contract shall be presented to the voters of the district at a meeting
6 warned and held in the same manner in which the district budget meeting is
7 warned and held, and the selected contract may be rejected by a majority vote.
8 If rejected by the voters, the other party's last best offer, as submitted to the
9 labor relations board pursuant to subsection (a) of this section, shall be final
10 and binding on the parties.

11 (e) The parties shall share equally all mutually incurred costs incidental to
12 this section.

13 (f) Upon application of a party, a superior court shall vacate an award on
14 the same grounds as set forth in 21 V.S.A. § 1733(d) and according to the same
15 procedures as set forth in 21 V.S.A. § 1733(e).

16 Sec. 2. 3 V.S.A. § 924(e) is amended to read:

17 (e) In addition to its responsibilities under this chapter, the board shall
18 carry out the responsibilities given to it under chapter 57 of Title 16, chapters
19 19 and 22 of Title 21, and chapter 28 of this title and when so doing shall
20 exercise the powers and follow the procedures set out in that chapter.

1 Sec. 3. REPEAL

2 The following sections of Title 16 are repealed:

3 (1) § 2008 (finality of school board decisions).

4 (2) § 2010 (injunctions granted only if action poses clear and present
5 danger).

6 (3) § 2021 (negotiated binding interest arbitration).

7 (4) § 2022 (selection and decision of arbitrator).

8 (5) § 2023 (jurisdiction of arbitrator).

9 (6) § 2024 (judicial appeal).

10 (7) § 2025 (factors to be considered by the arbitrator).

11 (8) § 2026 (notice of award).

12 (9) § 2027 (fees and expenses of arbitration).

13 Sec. 4. EFFECTIVE DATE

14 This act shall take effect on passage and apply to negotiations beginning on
15 or after July 1, 2011 for collective bargaining agreements for fiscal year 2013
16 and after.