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H.625

Introduced by Representatives O’Sullivan of Burlington, Buxton of  
Tunbridge, Christie of Hartford, Cole of Burlington, Davis of  
Washington, Haas of Rochester, Krowinski of Burlington,  
Macaig of Williston, Moran of Wardsboro, Spengler of  
Colchester, and Weed of Enosburgh

Referred to Committee on

Date:

Subject: Executive; labor relations; binding arbitration

Statement of purpose of bill as introduced: This bill proposes to allow for  
binding arbitration in the State Employee Labor Relations Act.

An act relating to binding arbitration for State employees

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

Sec. 1. 3 V.S.A. § 926 is amended to read:

§ 926. GRIEVANCES

(a) The ~~board~~ Board shall hear and make final determination on the  
grievances of all employees who are eligible to appeal grievances to the ~~board~~  
Board. Grievance hearings at the ~~board~~ Board level shall be conducted in  
accordance with the rules and regulations ~~promulgated~~ adopted by the ~~board~~

1 Board. The right to institute grievance proceedings extends to individual  
2 employees, groups of employees, and collective bargaining units.

3 (b) A collective bargaining agreement may provide for binding arbitration  
4 as the final step of a grievance procedure. An agreement that includes a  
5 binding arbitration provision shall also include the procedure for conducting  
6 the grievance arbitration proceedings and the following provisions:

7 (1) The parties shall mutually agree on an arbitrator from a list of  
8 arbitrators provided by the American Arbitration Association or the Federal  
9 Mediation and Conciliation Services. An arbitrator chosen or appointed under  
10 this section shall have no authority to add to, subtract from, or modify the  
11 collective bargaining agreement.

12 (2) An acknowledgement of arbitration that provides substantially the  
13 following:

14 ACKNOWLEDGEMENT OF ARBITRATION

15 (The parties) understand that this agreement contains an agreement that  
16 the final step of the grievance process shall be binding arbitration. After the  
17 effective date of this agreement no grievance may be brought to the Vermont  
18 Labor Relations Board and no lawsuit concerning any grievance may be  
19 brought, unless it involves a question of constitutional rights, civil rights, or  
20 the enforcement of an arbitration award.

1       (c) This section shall not apply to labor interest arbitration, which for the  
2       purposes of this chapter means the method of concluding labor negotiations by  
3       means of a disinterested person to determine the terms of a labor agreement.

4       (d) A party may apply to the arbitrator for a modification of an award if the  
5       application is made within 30 days after delivery of a copy of an award to the  
6       applicant. An arbitrator may modify an award only if the arbitrator finds any  
7       one of the following:

8               (1) There was an evident miscalculation of figures or an evident mistake  
9               in the description of any person, thing, or property referred to in the award.

10              (2) The award was based on a matter not submitted to the arbitrator, and  
11              the award may be corrected without affecting the merits of the decision on the  
12              issues submitted.

13              (3) The award was imperfect in form and the award may be corrected  
14              without affecting the merits of the controversy.

15       (e) A party may apply to the Civil Division of the Superior Court for  
16       review of the award provided the application is made within 30 days after  
17       delivery of a copy of the award to the applicant or, in case of a claim of  
18       corruption, fraud, or other undue means, the application is made within 30 days  
19       after those grounds are known or should have been known. The Civil Division  
20       of the Superior Court shall vacate an arbitration award based on any of the  
21       following:

1           (1) The award was procured by corruption, fraud, or other undue means.

2           (2) There was partiality or prejudicial misconduct by the arbitrator.

3           (3) The arbitrator exceeded his or her power or rendered an award  
4 requiring a person to commit an act or engage in conduct prohibited by law.

5           (4) There was an absence of substantial evidence on the record as a  
6 whole to support the award.

7           (f) The ~~board~~ Board shall hear and make final determination on the  
8 grievances of all retired individual employees of the University of Vermont,  
9 groups of such retired individuals, and retired collective bargaining unit  
10 members of the University of Vermont. Grievances shall be limited to those  
11 relating to compensation and benefits that were accrued during active  
12 employment but are received after retirement. ~~For the purposes of~~ As used in  
13 this subsection, "grievance" means an allegation of a violation of a collective  
14 bargaining agreement, employee handbook provision, early retirement plan,  
15 individual separation agreement or other documented agreement, or rule or  
16 regulation of the University of Vermont.

17           Sec. 2. EFFECTIVE DATE

18           This act shall take effect on passage.