

1 S.156

2 Introduced by Senators Hooker, Clarkson and McCormack

3 Referred to Committee on

4 Date:

5 Subject: Executive; labor; State Employees Labor Relations Act; Municipal

6 Labor Relations Act; binding arbitration

7 Statement of purpose of bill as introduced: This bill proposes to provide that a
8 bargaining impasse between the State of Vermont or the Vermont State
9 Colleges and the representative of a collective bargaining unit will be resolved
10 through binding arbitration unless the parties mutually agree to submit the
11 impasse to the Vermont Labor Relations Board. This bill also proposes to
12 provide that a contract impasse between a municipality and the exclusive
13 bargaining agent for public safety employees shall be resolved through binding
14 arbitration.

15 An act relating to binding interest arbitration for State employees and
16 municipal public safety employees

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

18 Sec. 1. 3 V.S.A. § 925 is amended to read:

19 § 925. MEDIATION; FACT FINDING

20 * * *

1 (i)(1) ~~If~~ In the case of the Department of State's Attorneys and Sheriffs and
2 the University of Vermont, if the dispute remains unresolved 20 days after
3 transmittal of findings and recommendations to the parties or within a time
4 frame mutually agreed upon by the parties that may be no more than an
5 additional 30 days, each party shall submit as a single package its last best
6 offer on all disputed issues to the Board. Each party's last best offer shall be
7 filed with the Board under seal and shall be unsealed and placed in the public
8 record only when both parties' last best offers are filed with the Board. The
9 Board shall hold one or more hearings. Within 30 days of the certifications,
10 the Board shall select between the last best offers of the parties, considered in
11 ~~its~~ their entirety without amendment.

12 (2) In the case of the State of Vermont and the Vermont State Colleges,
13 if the dispute remains unresolved 20 days after transmittal of findings and
14 recommendations to the parties or within a time frame mutually agreed upon
15 by the parties that may be no more than an additional 30 days, each party shall
16 submit as a single package its last best offer on all disputed issues to an
17 arbitrator mutually agreed upon by the parties or, upon mutual agreement of
18 the parties, to the Board. If the parties do not agree, the Board shall appoint a
19 neutral third party to act as arbitrator pursuant to rules adopted by the Board.
20 Each party's last best offer shall be filed with the arbitrator or the Board under
21 seal and shall be unsealed and placed in the public record only when both

1 parties' last best offers are filed with the arbitrator or the Board. The arbitrator
2 or the Board shall hold one or more hearings. Within 30 days of the
3 certifications, the arbitrator or the Board shall select between the last best
4 offers of the parties, considered in their entirety without amendment.

5 (j) Notwithstanding the provisions of subsection (i) of this section;

6 (1) In the case of the Department of State's Attorneys and Sheriffs and
7 the University of Vermont, should the Board find the last best offers of both
8 parties unreasonable and likely to produce undesirable results, or likely to
9 result in a long-lasting negative impact upon the parties' collective bargaining
10 relationship, then the Board may select the recommendation of the fact finder
11 under subsection (g) of this section as to those disputed issues submitted to the
12 Board in the last best offers.

13 (2) In the case of the State of Vermont and the Vermont State Colleges,
14 should the arbitrator or the Board find the last best offers of both parties
15 unreasonable and likely to produce undesirable results, or likely to result in a
16 long-lasting negative impact upon the parties' collective bargaining
17 relationship, then the arbitrator or the Board may select the recommendation of
18 the fact finder under subsection (g) of this section as to those disputed issues
19 submitted to the arbitrator or the Board in the last best offers.

20 (k)(1) In the case of ~~the State of Vermont or~~ the Department of State's
21 Attorneys and Sheriffs, the decision of the Board shall be final, and the terms

1 of the chosen agreement shall be binding on each party, subject to
2 appropriations in accordance with subsection 982(d) of this title. In the case of
3 the University of Vermont ~~or the Vermont State Colleges~~, the decision of the
4 Board shall be final and binding on each party.

5 (2) In the case of the State of Vermont, the decision of the arbitrator or
6 the Board shall be final, and the terms of the chosen agreement shall be
7 binding on each party, subject to appropriations in accordance with subsection
8 982(d) of this title. In the case of the Vermont State Colleges, the decision of
9 the arbitrator or the Board shall be final and binding on each party.

10 (1) Nothing herein shall be construed to permit an arbitrator or the Board to
11 issue an order under subsection (i) of this section binding upon the parties that
12 is in conflict with any statute or any rule or regulation that is not bargainable.

13 Sec. 2. 21 V.S.A. § 1733 is amended to read:

14 § 1733. ARBITRATION

15 (a)(1) Nothing ~~herein~~ in this chapter shall prevent the legislative body of a
16 municipal employer and the exclusive bargaining agent from voluntarily
17 submitting a contract impasse to final and binding arbitration or for the
18 municipality by a referendum vote from adopting binding arbitration
19 procedures, in the following form:

1 The arbitrator shall have the power to determine all issues in dispute
2 involving wages, hours, and conditions of employment as defined by ~~this~~
3 ~~chapter~~ 21 V.S.A. chapter 22.

4 (2)(A) Notwithstanding any provision of subdivision (1) of this section,
5 if an impasse continues between the legislative body of a municipal employer
6 and the exclusive bargaining agent for municipal public safety employees for
7 20 days after a fact finder has made its report public under subsection 1732(e)
8 of this title, the legislative body of the municipal employer and the exclusive
9 bargaining agent for the municipal public safety employees shall submit the
10 contract impasse to final and binding arbitration pursuant to the provisions of
11 this section.

12 (B) Notwithstanding section 1732 of this chapter to the contrary,
13 after the mediator has certified to the Commissioner of Labor that the impasse
14 continues, the legislative body of a municipal employer and the exclusive
15 bargaining agent for municipal public safety employees may agree to proceed
16 directly to final and binding arbitration pursuant to the provisions of this
17 section without first submitting the dispute to fact finding pursuant to
18 section 1732 of this chapter.

19 * * *

1 Sec. 3. 21 V.S.A. § 1722 is amended to read:

2 § 1722. DEFINITIONS

3 As used in this chapter:

4 * * *

5 (22) “Municipal public safety employee” means a municipal employee
6 who is:

7 (A) a firefighter as defined in 20 V.S.A. § 3151(3);

8 (B) an ambulance service, emergency medical personnel, or first
9 responder service as defined in 24 V.S.A. § 2651; or

10 (C) a law enforcement officer who has been certified by the Vermont
11 Criminal Justice Training Council pursuant to 20 V.S.A. § 2358.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on July 1, 2019 and shall apply to contract
14 negotiations that begin on or after July 1, 2019.