

1 H.318

2 Introduced by Representatives Wright of Burlington, Buxton of Tunbridge,

3 Condon of Colchester, and Komline of Dorset

4 Referred to Committee on

5 Date:

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

7 Statement of purpose of bill as introduced: This bill proposes to prohibit

8 teachers and school administrators from striking and school boards from

9 imposing contracts and to require mandatory binding arbitration.

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

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

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

15 § 2011. MANDATORY DETERMINATION BY THE VERMONT LABOR

16 RELATIONS BOARD

17 (a) If the parties' dispute remains unresolved as to any issue on the 15th
18 day after delivery of the fact-finding commission's report under section 2007
19 of this title or if the parties otherwise agree that they have reached an impasse,
20 each party shall submit to the Vermont Labor Relations Board its last best offer
21 on all undisputed issues, which shall be reviewed and decided upon as a single

1 package. The Labor Relations Board may hold hearings and may consider the
2 recommendations of the fact-finding committee, if one has been activated.

3 (b) In reaching a decision, the Labor Relations Board shall give weight to
4 all relevant evidence presented by the parties, including:

5 (1) the lawful authority of the school board;

6 (2) stipulations of the parties;

7 (3) the interest and welfare of the public and the financial ability of the
8 school board to pay for increased costs of public services, including the cost of
9 labor;

10 (4) comparisons of the wages, hours, and conditions of employment of
11 the employees involved in the dispute with the wages, hours, and conditions of
12 employment of other employees performing similar services in public schools
13 in comparable communities or in private employment in comparable
14 communities;

15 (5) the average consumer prices for goods and services commonly
16 known as the cost of living;

17 (6) the overall compensation currently received by the employees,
18 including direct wages, benefits, continuity conditions and stability of
19 employment, and all other benefits received; and

20 (7) the prior negotiations and existing conditions of other school and
21 municipal employees.

1 (c) Within 30 days of receiving the last best offers of the parties, the Labor
2 Relations Board shall select between the offers, considered in their entirety
3 without amendment, and shall determine the cost of its selection. The Labor
4 Relations Board shall not issue an order under this subsection that is in conflict
5 with any law or rule or that relates to an issue that is not bargainable. The
6 Labor Relations Board shall file one copy of the decision with the relevant
7 municipal clerk or clerks and the negotiations councils. Except as provided in
8 subsection (d) of this section, the decision of the Labor Relations Board shall
9 be final and binding on the parties.

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

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

15 (f) Upon application by either party, a superior court may issue a temporary
16 restraining order or other injunctive relief and may award costs including
17 reasonable attorney's fees in connection with any action taken by a
18 representative organization, its officials, or its members or by a school board or
19 its representative in violation of this section, including engaging in a strike,
20 which shall have the same meaning as in 21 V.S.A. § 1722, and the imposition
21 of contractual terms.

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

2 (e) In addition to its responsibilities under this chapter, the ~~board~~ Board
3 shall carry out the responsibilities given to it under 16 V.S.A. chapter 57,
4 21 V.S.A. chapters 19 and 22, and chapter 28 of this title and when so doing
5 shall exercise the powers and follow the procedures set out in that chapter.

6 Sec. 3. REPEAL

7 The following sections of Title 16 are repealed:

8 (1) § 2008 (finality of school board decisions);

9 (2) § 2010 (injunctions granted only if action poses clear and present
10 danger);

11 (3) § 2021 (negotiated binding interest arbitration);

12 (4) § 2022 (selection and decision of arbitrator);

13 (5) § 2023 (jurisdiction of arbitrator);

14 (6) § 2024 (judicial appeal);

15 (7) § 2025 (factors to be considered by the arbitrator);

16 (8) § 2026 (notice of award); and

17 (9) § 2027 (fees and expenses of arbitration).

18 Sec. 4. EFFECTIVE DATE

19 This act shall take effect on July 1, 2013 and apply to negotiations
20 beginning on or after that date for collective bargaining agreements for fiscal
21 year 2015 and after.