

1 H.876

2 Representative Wright of Burlington moves that the bill be amended after
3 Sec. 34 and before the reader assistance heading “* * * Repeals * * *”, by
4 inserting a reader assistance heading and four new sections to be Secs. 35–38
5 to read:

6 * * * Mandatory Binding Arbitration; Strikes; Imposed Contracts; Teachers
7 and Administrators * * *

8 Sec. 35. 16 V.S.A. § 2011 is added to read:

9 § 2011. MANDATORY DETERMINATION BY THE VERMONT LABOR
10 RELATIONS BOARD

11 (a) If the parties’ dispute remains unresolved as to any issue on the 15th
12 day after delivery of the fact-finding commission’s report under section 2007
13 of this title or if the parties otherwise agree that they have reached an impasse,
14 each party shall submit to the Vermont Labor Relations Board its last best offer
15 on all undisputed issues, which shall be reviewed and decided upon as a single
16 package. The Labor Relations Board may hold hearings and may consider the
17 recommendations of the fact-finding committee, if one has been activated.

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

- 20 (1) the lawful authority of the school board;
21 (2) stipulations of the parties;

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

4 (4) comparisons of the wages, hours, and conditions of employment of
5 the employees involved in the dispute with the wages, hours, and conditions of
6 employment of other employees performing similar services in public schools
7 in comparable communities or in private employment in comparable
8 communities;

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

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

14 (7) the prior negotiations and existing conditions of other school and
15 municipal employees.

16 (c) Within 30 days of receiving the last best offers of the parties, the Labor
17 Relations Board shall select between the offers, considered in their entirety
18 without amendment, and shall determine the cost of its selection. The Labor
19 Relations Board shall not issue an order under this subsection that is in conflict
20 with any law or rule or that relates to an issue that is not bargainable. The
21 Labor Relations Board shall file one copy of the decision with the relevant

1 municipal clerk or clerks and the negotiations councils. Except as provided in
2 subsection (d) of this section, the decision of the Labor Relations Board shall
3 be final and binding on the parties.

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

6 (e) Upon application of a party, a Superior Court shall vacate an award on
7 the same grounds as set forth in 21 V.S.A. § 1733(d) and according to the same
8 procedures as set forth in 21 V.S.A. § 1733(e).

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

16 Sec. 36. 3 V.S.A. § 924(e) is amended to read:

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

1 Sec. 37. 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); and

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

13 Sec. 38. IMPLEMENTATION

14 Secs. 35–37 of this act shall apply to negotiations beginning on or after that
15 date for collective bargaining agreements for fiscal year 2016 and after.

16 and by renumbering the remaining sections to be numerically correct.