

Vermont Legislative Council

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MEMORANDUM

To: Senate Committee on Economic Development, Housing and General Affairs

From: David Huber

Date: January 16, 2014

Subject: S.241; binding arbitration for State employees

The following is a summary of S.241:

Sec. 1 adds to the existing State Employee Labor Relations Act grievance process. The new language is taken word for word from the Judiciary Employees Labor Relations Act, 3 V.S.A. § 1017(b)-(e).

§ 926(a). The changes in this section reflect updated Legislative Council drafting conventions.

§ 926(b). This section states that collective bargaining agreements can use binding arbitration as a final step of a grievance procedure as long as the grievance procedure is outlined and:

- the parties agree on an arbitrator from a list provided by the American Arbitration Association or the Federal Mediation and Conciliation Services, and
- an acknowledgment of the arbitration clause exists.

§ 926(c). This section makes clear that 3 V.S.A. § 926 does not apply to labor interest arbitration, which means the method of concluding labor negotiations by means of a disinterested person to determine the terms of a labor agreement.

§ 926(d). This section states that a party can apply for a modification of the binding award if the request is made within 30 days after delivery of a copy of an award to the applicant, but only if:

- the arbitrator finds that there was an evident miscalculation of figures or an evident mistake in the description of a person, thing, or property referred to in the award,

- the award was based on a matter that was not submitted to the arbitrator and the award can be corrected without affecting the merits of the decision on the issues submitted, or
- the award was imperfect in form and may be corrected without affecting the merits of the controversy.

§ 926(e). This section states that a party can have the award reviewed by the Superior Court if the application is made within 30 days after:

- delivery of a copy of the award to the applicant, or
- the grounds for corruption, fraud, or other undue means are known.

The Superior Court will vacate an award based on:

- corruption, fraud, or other undue means,
- partiality or prejudicial misconduct by the arbitrator,
- an arbitrator exceeding his or her powers or requiring a person to commit an act or engage in conduct prohibited by law, or
- an absence of substantial evidence on the record as a whole to support the award.

§ 926(f). This is the original language from 3 V.S.A. § 926(b), but contains Legislative Council's updated drafting conventions.

Sec. 2. is the Effective Date section. All sections are effective on passage.