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H.521

Senator McCormack moves that the Senate propose to the House that the bill be amended as follows:

First: In Sec. 31, in 33 V.S.A. § 3603 (establishment of collective bargaining), in subsection (e), after the first sentence, by inserting a second sentence to read: “Any dispute raised by a nonmember concerning the amount of an agency fee, as provided for under subsection (b) of this section, may be grieved to the State Labor Relations Board which shall review and determine such matter promptly, in accordance with the Board’s rules.”

Second: In Sec. 31, in 33 V.S.A. § 3605 (rights of the state), by striking out subdivision (1) in its entirety and by inserting in lieu thereof two new subdivisions to be subdivisions (1) and (2) to read:

(1) carry out the statutory mandate and goals of the Agency of Human Services and to use personnel, methods, and means in the most appropriate manner possible;

(2) with the approval of the Governor, take whatever action may be necessary to carry out the mission of the Agency of Human Services in an emergency situation;

and by renumbering the remaining subdivisions to be numerically correct.

1 Third: In Sec. 31, in 33 V.S.A. § 3610 (negotiated agreement; funding), by
2 inserting the designation “(a)” before the existing text and inserting four new
3 subsections to be subsections (b) through (e) to read:

4 (b) Collective bargaining agreements shall be for a maximum term of two
5 years and shall not be subject to cancellation or renegotiation during the term
6 except with the mutual consent in writing of both parties, which consent shall
7 be filed with the Board. Upon the filing of such consent, an agreement may be
8 supplemented, cancelled, or renegotiated.

9 (c) The agreement shall terminate at the expiration of its specified term.
10 Negotiations for a new agreement to take effect upon the expiration of the
11 preceding agreement shall be commenced at any time within one year next
12 preceding the expiration date upon the request of either party and may be
13 commenced at any time previous thereto with the consent of both parties.

14 (d) In the event the State of Vermont and the collective bargaining unit are
15 unable to arrive at an agreement and there is not an existing agreement in
16 effect, the existing contract shall remain in force until a new contract is ratified
17 by the parties. However, nothing in this subsection shall prohibit the parties
18 from agreeing to a modification of certain provisions of the existing contract
19 that, as amended, shall remain in effect until a new contract is finalized and
20 funded by the General Assembly.

1 (e) The Board is authorized to enforce compliance with all provisions of a
2 collective bargaining agreement upon complaint of either party. In the event a
3 complaint is made by either party to an agreement, the Board shall proceed in
4 the manner prescribed in section 3612 of this title relating to the prevention of
5 unfair labor practices.

6 Fourth: In Sec. 31, in 33 V.S.A. § 3612 (general duties and prohibited
7 conduct), in subsection (b), after subdivision (1), by inserting a new
8 subdivision to be subdivision (2) to read:

9 (2) dominate or interfere with the formation or administration of any
10 labor organization or contribute financial or other support to it;

11 and by renumbering the remaining subdivisions to be numerically correct.

12 Fifth: In Sec. 31, after 33 V.S.A. § 3614 (rights altered), by adding three
13 new statutory sections to be §§ 3615 through 3617 to read:

14 § 3615. RULES AND REGULATIONS

15 The Board shall make and may amend and rescind and adopt such rules and
16 regulations consistent with this chapter as may be necessary to carry out the
17 provisions of this chapter.

18 § 3616. APPEAL

19 (a) Any person aggrieved by an order or decision of the Board issued under
20 the authority of this chapter may appeal on questions of law to the Supreme
21 Court.

1 (b) An order of the Board shall not automatically be stayed pending appeal.
2 A stay must first be requested from the Board. The Board may stay the order
3 or any part of it. If the Board denies a stay, then a stay may be requested from
4 the Supreme Court. The Supreme Court or a single justice may stay the order
5 or any part of it and may order additional interim relief.

6 § 3617. ENFORCEMENT

7 (a) Orders of the Board issued under this chapter may be enforced by any
8 party or by the Board by filing a petition with the Civil Division of the
9 Superior Court of Washington County or in the Civil Division of the Superior
10 Court in the county in which the action before the Board originated. The
11 petition shall be served on the adverse party as provided for service of process
12 under the Vermont Rules of Civil Procedure. If, after hearing, the court
13 determines that the Board had jurisdiction over the matter and that a timely
14 appeal was not filed or that an appeal was timely filed and a stay of the Board
15 order or any part of it was not granted or that a Board order was affirmed on
16 appeal in pertinent part by the Supreme Court, the court shall incorporate the
17 order of the Board as a judgment of the court. There is no appeal from that
18 judgment except that a judgment reversing a Board decision on jurisdiction
19 may be appealed to the Supreme Court.

1 (b) Upon filing of a petition by a party or the Board, the court may grant
2 such temporary relief, including a restraining order, as it deems proper pending
3 formal hearing.

4 (c) Orders and decisions of the Board shall apply only to the particular case
5 under appeal, but any number of appeals presenting similar issues may be
6 consolidated for hearing with the consent of the Board. The Board shall not
7 modify, add to, or detract from a collective bargaining agreement by any order
8 or decision.