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H.102

Introduced by Representatives LaLonde of South Burlington, Christie of
Hartford, Conquest of Newbury, Fagan of Rutland City, Jewett
of Ripton, Juskiewicz of Cambridge, Klein of East Montpelier,
LaClair of Barre Town, Sibia of Dover, and Walz of
Barre City

Referred to Committee on

Date:

Subject: Education; labor relations for teachers and administrators; fact-finding
and arbitration

Statement of purpose of bill as introduced: This bill proposes to establish
guidelines for fact finders and arbitrators to consider when making a
determination in relation to a labor relations dispute involving labor
negotiations for teachers or school administrators.

An act relating to labor relations for teachers and administrators

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

Sec. 1. 16 V.S.A. § 2007 is amended as follows:

§ 2007. FACT-FINDING COMMITTEE

* * *

1 (b) The fact-finding committee, which shall be activated as soon as
2 practicable upon request, shall be composed of one member selected by the
3 school board negotiations council, one member selected by the negotiations
4 council for the teachers' or administrators' organization, and one member who
5 shall serve as the chair and neutral fact finder, to be chosen by the other two
6 members. In the event that agreement cannot be reached on a third member for
7 the fact-finding committee, the American Arbitration Association shall be
8 asked to appoint the third member.

9 (c)(1) The fact-finding committee shall convene as soon as practicable after
10 its appointment, hold informal hearings as necessary, and provide adequate
11 opportunity to all parties to testify fully on, and present evidence regarding,
12 their respective positions. All parties to the dispute shall furnish the
13 fact-finding committee upon its request with all records, papers, and
14 information in their possession pertaining to any matter properly in issue
15 before the fact-finding committee.

16 (2) The chair of the fact-finding committee shall make a written report
17 and shall deliver it to both parties ~~recommending a reasonable basis for the~~
18 ~~settlement of the disagreement~~ within 30 days after the appointment of all
19 members of the committee. The report shall make findings of fact relevant to
20 the factors set forth in subsection (d) of this section and recommend a
21 reasonable basis for settlement with respect to each issue in dispute between

1 the parties. When determining a reasonable basis for settlement of an issue in
2 dispute, the chair shall not discount a party's position based solely on its
3 novelty or the other party's opposition to it.

4 (d) In preparing his or her report, the chair of the fact-finding committee
5 shall primarily consider the following factors:

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

7 (2) any stipulations of the parties;

8 (3) the interest and welfare of the public;

9 (4) the financial ability of the school district to pay for increased costs of
10 public services, including the cost of labor;

11 (5) the average consumer prices for goods and services commonly
12 known as the cost of living as demonstrated by the most recent New England
13 Economic Project Cumulative Price Index and the U.S. Bureau of Labor
14 Statistics Consumer Price Index;

15 (6) the overall compensation presently received by the employees,
16 including direct wages, fringe benefits, continuity conditions and stability of
17 employment, and all other benefits received; and

18 (7) the willingness of the school district community to provide increased
19 compensation to the school district's employees, as demonstrated by the results
20 of votes on the school district's budget during the two previous fiscal years.

1 (e)(1) The chair of the fact-finding committee may supplement the factors
2 set forth in subsection (d) of this section by comparing the wages, hours, and
3 conditions of employment of the employees involved in the dispute with the
4 wages, hours, and conditions of employment of employees performing similar
5 services in public schools in comparable communities or in private
6 employment in comparable communities. Any comparison undertaken by the
7 chair pursuant to this subsection shall be secondary to his or her consideration
8 of the factors set forth in subsection (d) of this section.

9 (2) Before undertaking a comparison pursuant to this subsection, the
10 chair shall determine whether a community is comparable to the school district
11 in which the dispute is occurring based on the relative tax burdens, cost per
12 pupil, and student outcomes in the two communities.

13 (3) If the chair determines that a community is comparable to the school
14 district in which the dispute is occurring, the chair may consider:

15 (A) the actual monetary value of the overall compensation, including
16 direct wages, fringe benefits, continuity conditions and stability of
17 employment, and all other benefits received by the employees in the
18 comparable community; and

19 (B) the actual monetary value of any increase in overall
20 compensation in the comparable community within the past year, including

1 direct wages, fringe benefits, continuity conditions and stability of
2 employment, and all other benefits received.

3 (f) The report of the fact-finding committee shall be advisory only and shall
4 not be binding on either party. The report shall be made public by the
5 fact-finding committee if the issues in dispute have not been resolved within
6 ten days of the delivery of the report.

7 (g) All expenses of fact-finding and mediation shall be borne jointly by the
8 parties to the dispute.

9 Sec. 2. 16 V.S.A. § 2025 is amended to read:

10 § 2025. FACTORS TO BE CONSIDERED BY ARBITRATOR

11 * * *

12 (b) In reaching a decision, the arbitrator shall give weight to the factors
13 listed in subsection (a) of this section, plus the following factors:

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

15 (2) stipulations of the parties;

16 (3) the interest and welfare of the public ~~and;~~

17 (4) the financial ability of the school board to pay for increased costs of
18 public services including the cost of labor;

19 ~~(4) comparisons of the wages, hours, and conditions of employment of~~
20 ~~the employees involved in the dispute with the wages, hours, and conditions of~~
21 ~~employment of other employees performing similar services in public schools~~

1 ~~in comparable communities or in private employment in comparable~~
2 ~~communities;~~

3 (5) the average consumer prices for goods and services commonly
4 known as the cost of living as demonstrated by the most recent New England
5 Economic Project Cumulative Price Index and the U.S. Bureau of Labor
6 Statistics Consumer Price Index;

7 (6) the overall compensation presently received by the employees,
8 including direct wages, fringe benefits, and continuity conditions and stability
9 of employment, and all other benefits received;

10 (7) prior negotiations and existing conditions of other school and
11 municipal employees; and

12 (8) the willingness of the school district community to provide increased
13 compensation to the school districts' employees, as demonstrated by the results
14 of votes on the school district's budget during the two previous fiscal years.

15 (c)(1) The arbitrator may supplement the factors set forth in subsection (b)
16 of this section by comparing the wages, hours, and conditions of employment
17 of the employees involved in the dispute with the wages, hours, and conditions
18 of employment of employees performing similar services in public schools in
19 comparable communities or in private employment in comparable
20 communities. Any comparison undertaken by the arbitrator pursuant to this

1 subsection shall be secondary to his or her consideration of the factors set forth
2 in subsection (b) of this section.

3 (2) Before undertaking a comparison pursuant to this subsection, the
4 arbitrator shall determine whether a community is comparable to the school
5 district in which the dispute is occurring based on the relative tax burdens, cost
6 per pupil, and student outcomes in the two communities.

7 (3) If the arbitrator determines that a community is comparable to the
8 school district in which the dispute is occurring, the arbitrator may consider:

9 (A) the actual monetary value of the overall compensation, including
10 direct wages, fringe benefits, continuity conditions and stability of
11 employment, and all other benefits received by the employees in the
12 comparable community; and

13 (B) the actual monetary value of any increase in overall
14 compensation in the comparable community within the past year, including
15 direct wages, fringe benefits, continuity conditions and stability of
16 employment, and all other benefits received.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2015 and apply to negotiations
19 beginning on or after that date.