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S.72

Introduced by Senators Mullin, Balint, Baruth, and Sirotkin

Referred to Committee on Government Operations

Date: February 10, 2015

Subject: Executive; State labor relations; binding arbitration

Statement of purpose of bill as introduced: This bill proposes to permit
binding arbitration under the State Employees Labor Relations Act.

An act relating to binding arbitration for State employees

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

Sec. 1. 3 V.S.A. § 926 is amended to read:

§ 926. GRIEVANCES

(a) The ~~board~~ Board shall hear and make a final determination on the
grievances of all employees who are eligible to appeal grievances to the ~~board~~
Board. Grievance hearings at the ~~board~~ Board level shall be conducted in
accordance with the rules and regulations ~~promulgated~~ adopted by the ~~board~~
Board. The right to institute grievance proceedings extends to individual
employees, groups of employees, and collective bargaining units.

(b) A collective bargaining agreement may provide for binding arbitration
as the final step of a grievance procedure. An agreement that includes a

1 binding arbitration provision shall also include the procedure for conducting
2 the grievance arbitration proceedings and the following provisions:

3 (1) The parties shall mutually agree on an arbitrator from a list of
4 arbitrators provided by the American Arbitration Association or the Federal
5 Mediation and Conciliation Service. An arbitrator chosen or appointed under
6 this section shall have no authority to add to, subtract from, or modify the
7 collective bargaining agreement.

8 (2) An acknowledgement of arbitration that provides substantially the
9 following:

10 ACKNOWLEDGEMENT OF ARBITRATION

11 (The parties) understand that this agreement contains an agreement that
12 the final step of the grievance process shall be binding arbitration. After the
13 effective date of this agreement, no grievance may be brought to the Vermont
14 Labor Relations Board and no lawsuit concerning any grievance may be
15 brought unless it involves a question of constitutional rights, civil rights, or the
16 enforcement of an arbitration award.

17 (c) This section shall not apply to labor interest arbitration, which as used
18 in this chapter means the method of concluding labor negotiations by means of
19 a disinterested person to determine the terms of a labor agreement.

20 (d) A party may apply to the arbitrator for a modification of an award if the
21 application is made within 30 days after delivery of a copy of the award to the

1 applicant. An arbitrator may modify an award only if the arbitrator finds any
2 one of the following:

3 (1) There was an evident miscalculation of figures or an evident mistake
4 in the description of any person, thing, or property referred to in the award.

5 (2) The award was based on a matter not submitted to the arbitrator, and
6 the award may be corrected without affecting the merits of the decision on the
7 issues submitted.

8 (3) The award was imperfect in form and the award may be corrected
9 without affecting the merits of the controversy.

10 (e) A party may apply to the Civil Division of the Superior Court for
11 review of the award provided the application is made within 30 days after
12 delivery of a copy of the award to the applicant or, in the case of a claim of
13 corruption, fraud, or other undue means, the application is made within 30 days
14 after those grounds are known or should have been known. The Civil Division
15 of the Superior Court shall vacate an arbitration award based on any of the
16 following:

17 (1) The award was procured by corruption, fraud, or other undue means.

18 (2) There was partiality or prejudicial misconduct by the arbitrator.

19 (3) The arbitrator exceeded his or her power or rendered an award
20 requiring a person to commit an act or engage in conduct prohibited by law.

1 (4) There was an absence of substantial evidence on the record as a
2 whole to support the award.

3 (f) The ~~board~~ Board shall hear and make a final determination on the
4 grievances of all retired individual employees of the University of Vermont,
5 groups of such retired individuals, and retired collective bargaining unit
6 members of the University of Vermont. Grievances shall be limited to those
7 relating to compensation and benefits that were accrued during active
8 employment but are received after retirement. ~~For the purposes of~~ As used in
9 this subsection, “grievance” means an allegation of a violation of a collective
10 bargaining agreement, employee handbook provision, early retirement plan,
11 individual separation agreement or other documented agreement, or rule or
12 regulation of the University of Vermont.

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on passage.