

S.72

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

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

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

ACKNOWLEDGEMENT OF ARBITRATION

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

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

(d) A party may apply to the arbitrator for a modification of an award if the application is made within 30 days after delivery of a copy of the award to the applicant. An arbitrator may modify an award only if the arbitrator finds any one of the following:

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

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

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

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

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

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

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

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

(f) The ~~board~~ Board shall hear and make a final determination on the grievances of all retired individual employees of the University of Vermont, groups of such retired individuals, and retired collective bargaining unit members of the University of Vermont. Grievances shall be limited to those relating to compensation and benefits that were accrued during active employment but are received after retirement. ~~For the purposes of~~ As used in

this subsection, “grievance” means an allegation of a violation of a collective bargaining agreement, employee handbook provision, early retirement plan, individual separation agreement or other documented agreement, or rule or regulation of the University of Vermont.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.