

SUMMARY OF H.76:

AN ACT RELATING TO THE REQUIREMENT OF MANDATORY BINDING ARBITRATION AND TO THE ELIMINATION OF STRIKES AND IMPOSED CONTRACTS IN CONNECTION WITH COLLECTIVE BARGAINING FOR TEACHERS' AND SCHOOL ADMINISTRATORS' CONTRACTS

Section 1: New Section: 16 V.S.A. § 2011–Mandatory Determination by the Vermont Labor Relations Board

Subsection (a):

- Replaces existing subchapter 4, which governs binding interest arbitration for teachers' and school administrators' labor negotiations.
- Requires parties to submit any issues that are still in dispute to the Vermont Labor Relations Board ("VLRB") for arbitration if:
 - (1) the parties cannot reach agreement on those issues within 15 days after a fact-finding committee's report recommending a settlement is issued; or
 - (2) the parties agree that they have reached an impasse.
- During arbitration, each party will submit its last best offer on all disputed issues to the VLRB.
- The VLRB may hold hearings and consider the fact-finding committee's report.

Subsection (b)

- Establishes factors that VLRB shall consider in reaching a decision. The factors are:
 - Authority of school board;
 - Stipulations of parties;
 - Public interest and welfare; and the school district's ability to pay for increased costs;
 - Comparisons of wages; hours; and conditions of employment between the employees in the labor dispute and employees in a comparable community;
 - Cost of living;
 - Overall compensation of employees (wages and all benefits); and
 - Prior negotiations and existing conditions of other school and municipal employees.
- The factors are the same as the existing criteria for binding interest arbitration.

Subsection (c):

- Within 30 days of receiving the parties' last best offers, the VLRB must select one of the last best offers in its entirety and without amendment.

Subsection (d):

- Parties will share the costs of arbitration before the VLRB equally.

Subsection (e):

- Superior Court may vacate the VLRB's decision based on:

- (1) corruption or fraud;
- (2) prejudice by the VLRB;
- (3) the VLRB exceeding its authority or requiring conduct prohibited by law;
- (4) a lack of an agreement to arbitrate; or
- (5) an absence of substantial evidence in the record to support the award.

Subsection (f):

- Permits the Superior Court to issue a temporary restraining order or injunction, and award costs and attorney's fees, in order to stop a party or its representative from acting in violation of the section, including by engaging in a strike or imposing contractual terms.

Section 2: Amends 3 V.S.A. § 924(e)–Powers and duties [of the VLRB]

- Provides the VLRB with authority to hear labor relations disputes arising in relation to labor relations for teachers and administrators.

Section 3: Repeal

- Repeals the following sections:
 - § 2008 (finality of school board decisions);
 - § 2010 (injunctions granted only if action poses clear and present danger);
 - § 2021 (negotiated binding interest arbitration);
 - § 2022 (selection and decision of arbitrator);
 - § 2023 (jurisdiction of arbitrator);
 - § 2024 (judicial appeal);
 - § 2025 (factors to be considered by the arbitrator);
 - § 2026 (notice of award); and
 - § 2027 (fees and expenses of arbitration).

Section 4: Repeals 16 V.S.A. chapter 57, subchapter 4–Binding Interest Arbitration

Section 5: Redesignates 16 V.S.A. § 2028 as 16 V.S.A. § 2012–Contract Ratification Annual Vote

Section 6: Effective Date

- July 1, 2015.
- Applies to negotiations beginning on or after the effective date for collective bargaining agreements for FY 2017 and after.