

Side-by-Side Comparison of Statutory Provision Governing Impasse Resolution for Educational Labor Relations in New England  
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<b>Bargaining Provision</b>	<b>Vermont</b>	<b>Massachusetts</b>	<b>Maine</b>	<b>New Hampshire</b>	<b>Connecticut</b>	<b>Rhode Island</b>
<b>Mediation</b>	<p>Yes, by mutual agreement</p> <p>“If, after negotiation has taken place on all matters properly before them, the negotiations councils for the school board and teachers' or administrators' organization are unable to reach agreement on specific negotiable items, they may jointly agree upon the services and person of a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable.”</p> <p>16 V.S.A. § 2006</p>	<p>Yes, upon impasse</p> <p>“Within five days after [determination of an impasse by the Board of Conciliation and Arbitration], the board shall appoint a mediator to assist the parties in the resolution of the impasse. In the alternative, the parties may agree upon a person to serve as a mediator and shall notify the board of such agreement and choice of mediator.”</p> <p>M.G.L. 150E, § 9 (West)</p>	<p>Yes, at request of a party.</p> <p>“Mediation procedures must be followed whenever either party to a controversy requests such services prior to arbitration”</p> <p>Me. Rev. Stat. tit. 26, § 965</p>	<p>Yes, upon impasse</p> <p>“If the impasse is not resolved, a neutral party chosen by the parties, or failing agreement, appointed by the board, shall undertake to mediate the issues remaining in dispute.</p> <p>...</p> <p>If the impasse is not resolved following the action of the legislative body, negotiations shall be reopened. Mediation may be requested by either party and may, at the mediator's option, involve the board of the public employer. In cases where the board of the public employer also serves as the legislative body</p>	<p>Yes</p> <p>“If any local or regional board of education cannot agree with the exclusive representatives of a teachers' or administrators' unit after negotiation concerning the terms and conditions of employment applicable to the employees in such unit, either party may submit the issues to the commissioner for mediation. On the one hundred sixtieth day prior to the budget submission date, the commissioner shall order the parties to report their</p>	<p>28-9.3</p>

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				<p>of a municipality, the mediator may request no more than one less than a quorum of the legislative body to participate in the mediation.”</p> <p>N.H. Rev. Stat. Ann. § 273-A:12</p>	<p>settlement. If, on such one hundred sixtieth day, the parties have not reached agreement and have failed to initiate mediation, the commissioner shall order the parties to notify the commissioner of the name of a mutually selected mediator and to commence mediation.”</p> <p>Conn. Gen. Stat. Ann. § 10-153f (West)</p>	
<b>Fact-Finding</b>	<p>Yes, by request of either party.</p> <p>“If mediation fails to resolve outstanding differences or is not requested and a continuing disagreement persists, either party may, after negotiation on all matters properly</p>	<p>Yes, by request of either party.</p> <p>“If the impasse continues after the conclusion of mediation, either party or the parties acting jointly may petition the board to initiate fact-finding proceedings. Upon receipt of such</p>	<p>Yes, by mutual agreement</p> <p>“If the parties, either with or without the services of a mediator, are unable to effect a settlement of their controversy, they may jointly agree either to call upon the Maine Labor</p>	<p>Yes, as part of mediation.</p> <p>“if mediation does not result in agreement within 45 days, or in the case of state employees 75 days, prior to the budget submission date, a neutral party chosen by the parties, or</p>		

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<p>before them, request that any or all unresolved issues be submitted to a fact-finding committee by notifying the other party of their intention and setting forth in writing the issues to be submitted to fact-finding.”</p> <p>16 V.S.A. § 2007</p>	<p>petition, the board shall appoint a fact-finder, representative of the public, from a list of qualified persons maintained by the board. In the alternative, the parties may agree upon a person to serve as fact-finder and shall notify the board of such agreement and choice of fact-finder.”</p> <p>“If the impasse continues after the publication of the fact-finder's report, the issues in dispute shall be returned to the parties for further bargaining.”</p> <p>M.G.L. 150E, § 9 (West)</p>	<p>Relations Board to arrange for fact-finding services and recommendations to be provided by the Maine Board of Arbitration and Conciliation, or to pursue some other mutually acceptable fact-finding procedure, including use of the Federal Mediation and Conciliation Service or the American Arbitration Association according to their respective procedures, rules and regulations.”</p> <p>Me. Rev. Stat. tit. 26, § 965</p>	<p>failing agreement, appointed by the board, shall make and report findings of fact together with recommendations for resolving each of the issues remaining in dispute, which findings and recommendations shall not be made public until the negotiating teams shall have considered them for 10 days.”</p> <p>“If either negotiating team rejects the neutral party's recommendations, his findings and recommendations shall be submitted to the full membership of the employee organization and to the board of the public employer, which shall vote to accept or reject</p>		
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				so much of his recommendations as is otherwise permitted by law.”  N.H. Rev. Stat. Ann. § 273-A:12		
<b>Arbitration</b>	Yes, by mutual agreement  “(a) Arbitration shall only occur if the recognized organization and one or more of the school boards agree in writing to submit to binding arbitration for one or more issues remaining in dispute. An agreement to accept binding interest arbitration may not be revoked and shall apply only to the parties to the arbitration.”  16 V.S.A. § 2021(a)	Yes, instead of fact finding by mutual agreement  “The parties by their own agreement may mutually waive the fact-finding provisions contained herein and may petition the board for arbitration . . .  Any arbitration award in a proceeding voluntarily agreed to by the parties to resolve an impasse shall be binding on the parties and on the appropriate legislative body”  M.G.L. 150E, § 9 (West)	Yes, by mutual agreement  “In addition to the 30-day period referred to in subsection 3, the parties shall have 15 more days, making a total period of 45 days from the submission of findings and recommendations, in which to make a good faith effort to resolve their controversy.If the parties have not resolved their controversy by the end of said 45-day period, they may jointly agree to an	No	Yes, mandatory  “On the fourth day next following the end of the mediation session or on the one hundred thirty-fifth day prior to the budget submission date, whichever is sooner, the commissioner shall order the parties to report their settlement of the dispute or, if there is no settlement, to notify the commissioner of either their agreement to submit their dispute to a single arbitrator	Yes, by request of either party

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		<p>arbitration procedure which will result in a binding determination of their controversy”</p> <p>Me. Rev. Stat. tit. 26, § 965</p>		<p>or the name of the arbitrator selected by each of them. Within five days of providing such notice, the parties shall notify the commissioner of the name of the arbitrator if there is an agreement on a single arbitrator appointed to the panel pursuant to subdivision (3) of subsection (a) of this section or agreement on the third arbitrator appointed to the panel pursuant to said subdivision.”</p> <p>Conn. Gen. Stat. Ann. § 10-153f (West)</p> <p>“The award of the arbitrators or single arbitrator may be rejected by the</p>	
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				<p>legislative body of the local school district or, in the case of a regional school district, by the legislative bodies of the participating towns. Such rejection shall be by a two-thirds majority vote of the members of such legislative body or, in the case of a regional school district, the legislative body of each participating town, present at a regular or special meeting called and convened for such purpose within twenty-five days of the receipt of the award.”</p> <p>Provides a process for binding review arbitration after</p>	
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					rejection of first award, with provision for judicial review.  Conn. Gen. Stat. Ann. § 10-153f (West)	
<b>Right to Strike</b>	Yes, subject to limitations  A strike, which shall have the same meaning as provided in 21 V.S.A. § 1722(16), shall be prohibited if it occurs after both parties have voluntarily submitted a dispute to final and binding arbitration or after a decision or award has been issued by the arbitrator.  16 V.S.A. § 2021(c)	No  “No public employee or employee organization shall engage in a strike, and no public employee or employee organization shall induce, encourage or condone any strike, work stoppage, slowdown or withholding of services by such public employees.”  M.G.L. 150E, § 9A (West)	No  Public employees prohibited from: “Engaging in(1) A work stoppage;(2) A slowdown;(3) A strike; or(4) The blacklisting of any public employer for the purpose of preventing it from filling employee vacancies.”  Me. Rev. Stat. tit. 26, § 964	No  Strikes and other forms of job action by public employees are hereby declared to be unlawful. A public employer shall be entitled to petition the superior court for a temporary restraining order, pending a final order of the board under RSA 273-A:6 for a strike or other form of job action in violation of the provisions of this chapter, and may be awarded costs and reasonable legal fees at the discretion of the court.	No  “No certified professional employee shall, in an effort to effect a settlement of any disagreement with the employing board of education, engage in any strike or concerted refusal to render services.”  Conn. Gen. Stat. Ann. § 10-153e(a)	No

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				N.H. Rev. Stat. Ann. § 273-A:13		
<b>Contract Imposition</b>	<p>Yes</p> <p>All decisions of the school board regarding matters in dispute in negotiations shall, after full compliance with this chapter, be final.</p> <p>16 V.S.A. § 2008</p>	<p>Yes</p> <p>“Upon the filing of a petition pursuant to this section for a determination of an impasse following negotiations for a successor agreement, an employer shall not implement unilateral changes until the collective bargaining process, including mediation, fact finding or arbitration, if applicable, shall have been completed . . . For purposes of this paragraph, the board shall certify to the parties that the collective bargaining process, including mediation, fact finding or arbitration, if applicable, has been</p>	<p>Yes, after impasse</p> <p>“The Board committed no error in ruling that [the district’s] unilateral implementation of its last best offer following impasse is not a prohibited circumvention or disparagement of the employer’s duty to bargain in good faith.”</p> <p><i>Mountain Valley Educ. Ass’n v. Maine Sch. Admin. Dist. No. 43</i>, 655 A.2d 348, 353 (Me. 1995)</p>	<p>No</p> <p>“A unilateral change in a condition of employment is equivalent to a refusal to negotiate that term and destroys the level playing field necessary for productive and fair labor negotiations. <i>See generally</i> Laws 1975, 490:1.”</p> <p><i>Appeal of Alton Sch. Dist.</i>, 140 N.H. 303, 307-08, 666 A.2d 937, 940 (1995)</p>	N/A	



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		completed.” M.G.L. 150E, § 9 (West)				
<b>Contract Continues If No New Agreement</b>	No	Yes, until impasse declared.  “the terms and conditions of employment shall continue in effect until the collective bargaining process, including mediation, fact finding or arbitration, if applicable, shall have been completed; provided, however, that nothing contained herein shall prohibit the parties from extending the terms and conditions of such a collective bargaining agreement by mutual agreement for a period of time in excess of the aforementioned time.”  M.G.L. 150E, § 9 (West)	Yes, grievance arbitration  “[I]f a contract between a public employer and a bargaining agent signed after October 1, 2005 expires prior to the parties' agreement on a new contract, the grievance arbitration provisions of the expired contract remain in effect until the parties execute a new contract.”  Me. Rev. Stat. tit. 26, § 964-A	Yes  “In the absence of a binding automatic renewal clause, a CBA ends on its termination date. Once a CBA expires, while the parties continue to negotiate for a successor agreement, their obligations to one another are governed by the doctrine of maintaining the status quo. See <i>Milton</i> , 137 N.H. at 245-48. ‘[T]he principle of maintaining the status quo demands that all terms and conditions of employment remain the same during collective bargaining after a CBA has expired. This does not	N/A	

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				<p>mean that the expired CBA continues in effect; rather, it means that the conditions under which the teachers worked endure throughout the collective bargaining process.' <i>Id.</i> at 247, 625 A.2d at 1061."</p> <p>The doctrine of status quo does not require payment of step increases after a CBA expires.</p> <p><i>Appeal of Alton Sch. Dist.</i>, 140 N.H. 303, 307-08, 666 A.2d 937, 940 (1995)</p>		
<b>Other</b>	N/A	N/A	<p>"Either party to negotiations may publicize the parties' written initial collective bargaining proposals. No proposal may be publicized until 10 days after both</p>	<p>"Whenever the parties request the board's assistance or have bargained to impasse, or if the parties have not reached agreement on a contract within 60 days, or in the case of</p>	<p>"[N]egotiations shall commence not less than two hundred ten days prior to the budget submission date."</p> <p>Conn. Gen. Stat. Ann. § 10-153d (West)</p>	

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			<p>parties have made their initial proposal.”</p> <p>Me. Rev. Stat. tit. 26, § 974</p>	<p>state employees 90 days, prior to the budget submission date, and if not otherwise governed by ground rules:(1) The chief negotiator for the bargaining unit may request to make a presentation directly to the board of the public employer. If this request is approved by the board of the public employer, the chief negotiator for the board of the public employer shall in turn have the right to make a presentation directly to the bargaining unit. The cost of the respective presentations shall be borne by the party making the presentation.(2) The chief negotiator for the board of the public employer may request</p>	<p>“If the legislative body rejects the contract pursuant to the provisions of subsection (b) of this section, the parties shall commence the arbitration process, in accordance with the provisions of subsection (c) of section 10-153f . . . if requested by either party, the parties shall mediate the contract dispute prior to the initial arbitration hearing.”</p> <p>Conn. Gen. Stat. Ann. § 10-153d (West)</p>	
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				<p>to make a presentation directly to the bargaining unit. If this request is approved by the bargaining unit, the chief negotiator for the bargaining unit shall in turn have the right to make a presentation directly to the board of the public employer. The cost of the respective presentations shall be borne by the party making the presentation.”</p> <p>N.H. Rev. Stat. Ann. § 273-A:12(a)</p> <p>May agree to alternate procedures as well.</p>		
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