

**Side-by-side comparison of S.72 and H.174:  
Binding Grievance Arbitration for State Employees**

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Statutory Section	S.72	H.174
<p>3 V.S.A. § 926: Grievances</p>	<p><b>Sec. 1</b></p> <p>a Vermont Labor Relations Board may hear grievances of individual employees, groups of employees, and bargaining units that are eligible to appeal grievances to it.</p> <p>b Alternatively, a collective bargaining agreement may provide for binding arbitration as the final step in grievance procedure. Agreement that includes an arbitration provision must also set out the procedures for arbitration. Must also include the following:</p> <p>01 Parties shall mutually agree on arbitrator from AAA or FMCS. Arbitrator may not modify the collective bargaining agreement.</p> <p>02 An acknowledgment of arbitration providing that grievances may not be brought to VLRB and no lawsuit regarding a grievance may be brought unless it involves constitutional/civil rights or the enforcement of the award.</p> <p>c Does not apply to arbitration related to the negotiation of the collective bargaining agreement.</p>	<p><b>Sec. 1</b></p> <p>a Collective bargaining agreement shall provide that final step of grievance arbitration process is either appeal to VLRB or binding arbitration.</p> <p>b If VLRB is final stage of process, agreement may also set procedural rules governing grievance proceedings before VLRB. If agreement does not provide specific procedural rules, the rules of the VLRB will govern. Individual employees, groups of employees, and bargaining units may use grievance process before VLRB.</p> <p>c If an agreement provides that binding arbitration is the final step in the grievance process, it may also provide:</p> <p>01 Procedural rules for arbitration;</p> <p>02 Whether arbitration is confidential;</p> <p>03 Whether arbitration awards will have precedential value; and</p> <p>04 The procedure for choosing an arbitrator.</p> <p>d If agreement provides for grievance arbitration, must include acknowledgment of arbitration providing that grievances may not be brought to VLRB and no lawsuit regarding a grievance may be brought unless</p>

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	<p>d Party may request that arbitrator modify the arbitration award within 30 days after the party receives it.</p> <p>e Party may ask Superior Court to review and vacate an award within 30 days of receiving copy of award or within 30 days of discovering corruption/fraud/or other undue means.</p> <p>f Maintains current provision that VLRB shall hear and make final determination of individual retired employees and groups of retired employees of UVM.</p>	<p>it involves constitutional/civil rights or the enforcement of the award.</p> <p>e If agreement provides for grievance arbitration but does not specify how arbitrator will be selected, parties shall mutually agree on arbitrator from AAA or FMCS.</p> <p>f Arbitrator may not modify the collective bargaining agreement.</p> <p>g Does not apply to arbitration related to the negotiation of the collective bargaining agreement.</p> <p>h Party may request that the arbitrator modify the arbitration award within 30 days after the party receives it.</p> <p>i Party may ask Superior Court to review and vacate an award within 30 days of receiving copy of award or within 30 days of discovering corruption/fraud/or other undue means.</p> <p>j Maintains current provision that VLRB shall hear and make final determination of individual retired employees and groups of retired employees of UVM.</p>
<p>3 V.S.A. § 904: Subjects for Bargaining</p>	<p><i>No Modification</i></p>	<p><b>Sec. 2</b></p> <p>a Amends subdivision (7) governing grievance procedures to make the choice of whether appeal to the VLRB or binding arbitration will be the final step of the grievance procedure.</p>
<p>3 V.S.A. § 928: Rules and</p>	<p><i>No modification</i></p>	<p><b>Sec. 3</b></p> <p>b Amends subdivision (1) to grievance appeals to the</p>

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Regulations		VLRB will be heard either under the VLRB's rules or the procedural rules provided in the agreement.
3 V.S.A. § 941: Unit Determination; Certification; and Representation	<i>No modification</i>	<b>Sec. 4</b>  i Amends language to provide that final step of collective bargaining procedure will be a hearing before the VLRB if the agreement <u>does not</u> provide for binding arbitration instead.
3 V.S.A. § 975: Enforcement and Preemption	<i>No modification</i>	<b>Sec. 5</b>  b Amends whistleblower protections to provide that if an employee brings a claim for retaliation with either the VLRB or through binding arbitration, the employee may not bring the same claim in Superior Court.
3 V.S.A. § 1001: Grievances; Applicants and Excluded Personnel	<i>No modification</i>	<b>Sec. 6</b>  c Amends subsection to provide that grievances related to collective bargaining service fee may either be brought through VLRB or binding arbitration depending on the provisions of the collective bargaining agreement.
3 V.S.A. § 1002: Enforcement	<i>No modification</i>	<b>Sec. 7</b>  a Amends subsection to provide that a decision of either the VLRB <u>or</u> an arbitrator under this chapter may be enforced by the Washington Division of the Superior Court or the Division of the Superior Court for the county in which the action originated.