

SUMMARY OF S.74:

**AN ACT RELATING TO BINDING ARBITRATION FOR SCHOOL TEACHERS AND ADMINISTRATORS
AND FOR MUNICIPAL EMPLOYEES**

Section 1: Amends 16 V.S.A. § 1981–Definitions

- Defines “strike”

Section 2: Amends 16 V.S.A. § 2005–Written Agreement

- Requires the collective bargaining agreement to incorporate any issues decided through binding arbitration, in addition to those issues that are agreed on by the school board and teachers or administrators organization during negotiations.

Section 3: Amends 16 V.S.A. § 2007–Fact Finding Committee

- Permits parties to bypass fact finding and proceed directly to binding arbitration if the school district has not voted to permit teachers or administrators to strike.

Section 4: Amends 16 V.S.A. § 2008–Finality of Decisions

- Allows imposition of contract terms only if the school district has voted to permit teachers and administrators to strike.

Section 5: Amends 16 V.S.A. § 2009–Delegation of Authority

- Technical correction to reflect required mutual agreement to proceed to binding arbitration.

Section 6: Amends 16 V.S.A. § 2010–Injunctions

- Adds a violation of 16 V.S.A. § 2021(d) as a basis for Court to issue an injunction or restraining order.

Section 7: Amends 16 V.S.A. § 2021–Binding Interest Arbitration

- Amends subsection (a) to require parties to proceed to binding arbitration under two sets of circumstances:
 - 1 If an impasse continues for 20 days after a fact-finding report is made public in a school district that has not voted to permit teachers or administrators to strike; or
 - 2 The teachers or administrators organization and one or more of the school boards for a school district agree to proceed to binding arbitration.
- Repeals former subsection (b) which permitted the parties to agree to proceed to binding interest arbitration after reaching impasse.
- Adds new subsection (b) that:
 - Permits the electorate of a school district to decide by referendum whether teachers and administrators will be allowed to strike;
 - Prohibits strikes from occurring less than 20 days after a fact-finding report is made public; and
 - Clarifies that teachers and administrators may participate in the public debate and campaign related to any referendum vote held under this subsection.
- Requires arbitrator to determine the terms of the agreement on each issue in dispute between the parties, unless they agree to different guidelines for the arbitrator.
- Prohibits a strike if:
 - The electorate of the school district has not voted to permit teachers and administrators to strike; or
 - For districts that do vote to permit strikes, if the strike occurs after the parties have submitted the dispute to arbitration.
- Adds new subsection (e) that prohibits a school district from imposing contractual terms if it has not voted to permit teachers and administrators to strike.

Section 8: Amends 16 V.S.A. § 2023–Jurisdiction of Arbitrator

- Clarifies that arbitrator has power to determine all issues in dispute between the parties.

Section 9: Vote to Permit Teachers or Administrators to Strike

- Prohibits strikes before July 1, 2016 in school districts that have not voted to permit teachers or administrators to strike.

Section 10: Amends 21 V.S.A. § 1730–Restrictions on Strikes

- Amends subsection (a) so that strikes shall only be permitted if:
 - 1 The municipality has voted to permit municipal employees to strike;
 - 2 The strike occurs more than 30 days after the fact finder’s report is delivered to the parties; and
 - 3 The strike will not endanger the health, safety, or welfare of the public.
- Municipality may obtain an injunction to stop a strike occurring in violation of subsection (a).

Section 11: Amends 21 V.S.A. § 1733–Binding Arbitration

- Requires parties to proceed to binding arbitration at impasse if the municipality has not voted to permit municipal employees to strike.
- Municipality may hold a referendum vote to permit municipal employees to strike.
- Even if municipality has voted to permit employees to strike, the parties may still submit an impasse to binding arbitration.
- Repeals provision permitting municipality to adopt binding arbitration procedure by referendum.
- Requires parties to submit dispute to binding arbitration if impasse continues for 20 days after fact-finder’s report is made public.
- Adds language permitting the appointment of arbitration panel chair by the American Arbitration Association to resolve a dispute regarding the composition of the panel.
- Permits parties to agree to submit dispute to binding arbitration without proceeding to fact-finding in a municipality that has not voted to permit employees to strike.

Section 12: Effective Dates

- Makes the definition of “strike,” the prohibition of teachers’ and administrators’ strikes in towns that do not vote to permit them before July 1, 2016, and the subsections governing referendum votes to permit employees to strike effective on passage.
- Remainder of the bill is effective July 1, 2016.