

1 S.157

2 Introduced by Senator Benning

3 Referred to Committee on

4 Date:

5 Subject: Education; labor relations; teachers and administrators

6 Statement of purpose of bill as introduced: This bill proposes to require that  
7 meetings of the negotiations councils of a school board and of the recognized  
8 teachers' or administrators' organization be open to the public unless the  
9 parties mutually agree otherwise; that the imposition of contractual terms by a  
10 school board be prohibited, and strikes by teachers and school administrators  
11 be prohibited; and it proposes to form a task force on dispute resolution in  
12 labor relations for teachers and administrators.

13 An act relating to labor relations for teachers and administrators

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 16 V.S.A. § 2001 is amended to read:

16 § 2001. GOOD FAITH; OPEN MEETINGS

17 (a) The negotiations councils of the school board and of the recognized  
18 teachers' or administrators' organization shall meet together at reasonable  
19 times, upon request of either party, and shall negotiate in good faith on all  
20 matters properly before them under the provisions of this chapter.

1       (b) Except as provided under subsection (e) of this section, each meeting of  
2       the negotiations councils of the school board and of the recognized teachers' or  
3       administrators' organization under subsection (a) of this section shall be open  
4       to the public, and the school board shall post a notification of the time and  
5       place of the meeting on its website at least 24 hours prior to the  
6       commencement of the meeting. Any document presented at the meeting by  
7       one party to the other shall be made available to members of the public who  
8       attend the meeting, and the school board shall post all documents presented at  
9       the meeting by one party to the other on its website not later than 24 hours  
10       after the conclusion of the meeting.

11       (c) Meetings of the negotiations councils of the school board and of the  
12       recognized teachers' or administrators' organization under subsection (a) of  
13       this section shall not be subject to the Open Meeting Law, 1 V.S.A. chapter 5,  
14       subchapter 2, and documents presented by one party to the other at these  
15       meetings under subsection (b) of this section shall not be subject to the Public  
16       Records Act, 1 V.S.A. chapter 5, subchapter 3.

17       (d) Planning or strategy sessions of the negotiations councils of the school  
18       board and of the recognized teachers' or administrators' organization, meeting  
19       separately or with the entity or group they represent, shall not be open to the  
20       public unless otherwise required by law.

1        (e) If the negotiations councils of the school board and of the recognized  
2        teachers' or administrators' organization mutually agree that a meeting under  
3        subsection (a) of this section shall not be open to the public, then subsection  
4        (b) of this section shall not apply to that meeting or to any document presented  
5        at that meeting by one party to the other.

6        Sec. 2. 16 V.S.A. § 2008 is amended to read:

7        § 2008. ~~FINALITY OF DECISIONS~~ CONTRACT IMPOSITION

8                    PROHIBITED

9        ~~All decisions of the school board regarding matters in dispute in~~  
10        ~~negotiations shall, after full compliance with this chapter, be final. The~~  
11        imposition of contractual terms by a school board shall be prohibited.

12        Sec. 3. 16 V.S.A. § 2008a is added to read:

13        § 2008a. STRIKES PROHIBITED

14        A strike, which shall have the same meaning as set forth in 21 V.S.A.  
15        § 1722(16), shall be prohibited.

16        Sec. 4. 16 V.S.A. § 2021 is amended to read:

17        § 2021. NEGOTIATED BINDING INTEREST ARBITRATION

18                    \* \* \*

19        ~~(c) A strike, which shall have the same meaning as provided in 21 V.S.A.~~  
20        ~~§ 1722(16), shall be prohibited if it occurs after both parties have voluntarily~~  
21        ~~submitted a dispute to final and binding arbitration or after a decision or award~~

1 ~~has been issued by the arbitrator. A school board may petition for an~~  
2 ~~injunction or other appropriate relief from the Superior Court within the county~~  
3 ~~wherein such strike in violation of this section is occurring or is about to occur.~~

4 [Repealed.]

5 \* \* \*

6 Sec. 5. TASK FORCE ON DISPUTE RESOLUTION IN LABOR

7 RELATIONS FOR TEACHERS AND ADMINISTRATORS;

8 REPORT

9 (a) Creation. There is created the Task Force on Dispute Resolution in  
10 Labor Relations for Teachers and Administrators to study possible statutory  
11 changes to improve the process for the resolution of a dispute or impasse  
12 during labor negotiations for Vermont school teachers and administrators.

13 (b) Membership. The Task Force shall be composed of the following nine  
14 members:

15 (1) one current member of the House of Representatives who shall be  
16 appointed by the Speaker of the House;

17 (2) one current member of the Senate who shall be appointed by the  
18 Committee on Committees;

19 (3) the President of the Vermont–National Education Association or  
20 designee;

1           (4) the Executive Director of the Vermont School Boards Association or  
2           designee;

3           (5) two individuals with experience in labor relations for school teachers  
4           and administrators designated by the Vermont–National Education  
5           Association;

6           (6) two individuals with experience in labor relations for school teachers  
7           and administrators designated by the Vermont School Boards Association; and

8           (7) an individual who shall serve as the Chair of the Task Force with  
9           experience in labor relations for school teachers and administrators appointed  
10          by the Vermont Labor Relations Board.

11          (c) Powers and duties. The Task Force shall examine possible statutory  
12          changes to improve the process for resolving a dispute or impasse during labor  
13          negotiations for school teachers and administrators. In particular, the Task  
14          Force shall do the following:

15               (1) evaluate Vermont’s existing statutory provisions related to the  
16               resolution of a dispute or impasse during labor negotiations for school teachers  
17               and administrators;

18               (2) examine and assess the relative merits of other states’ statutory  
19               provisions for the resolution of a dispute or impasse during labor negotiations  
20               and whether the adoption of similar provisions could improve the existing

1 collective bargaining process for school teachers and administrators in  
2 Vermont; and

3 (3) examine and assess the relative merits of various methods for  
4 encouraging parties in labor negotiations to resolve a dispute or impasse  
5 promptly if it continues past the expiration date of the existing collective  
6 bargaining agreement between the parties.

7 (d) Consultation. In carrying out its duties pursuant to subsection (c) of this  
8 section, the Task Force shall, at a minimum, consult with:

9 (1) representatives of teachers' and administrators' organizations from  
10 other states;

11 (2) representatives of school boards from other states; and

12 (3) attorneys, mediators, and arbitrators with experience in labor  
13 relations for school teachers and administrators.

14 (e) Assistance. The Task Force shall have the administrative, technical,  
15 and legal assistance of the Office of Legislative Council.

16 (f) Report. On or before November 15, 2018, the Task Force shall submit a  
17 written report to the House Committees on Education and on General, Housing  
18 and Military Affairs and the Senate Committees on Education and on  
19 Economic Development, Housing and General Affairs with its findings and a  
20 recommendation for legislative action.

1        (g) Meetings.

2            (1) The Chair shall call the first meeting of the Task Force to occur on or  
3 before August 1, 2018.

4            (2) Five members of the Task Force shall constitute a quorum.

5            (3) The Task Force shall meet at least twice per month until the report  
6 required by subsection (f) of this section has been submitted as required by that  
7 subsection.

8            (4) The Task Force shall cease to exist on January 15, 2019.

9        (h) Reimbursement.

10           (1) For attendance at meetings during adjournment of the General  
11 Assembly, legislative members of the Task Force shall be entitled to per diem  
12 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for  
13 not more than seven meetings.

14           (2) Other members of the Task Force who are not employees of the State  
15 of Vermont and who are not otherwise compensated or reimbursed for their  
16 attendance shall be entitled to per diem compensation and reimbursement of  
17 expenses pursuant to 32 V.S.A. § 1010 for not more than seven meetings.

18        Sec. 6. EFFECTIVE DATES

19           (a) This section and Secs. 1 and 5 shall take effect on passage.

20           (b) Secs. 2, 3, and 4 shall take effect on November 15, 2019, and apply to  
21 negotiations beginning on or after that date.