

1 S.156

2 Introduced by Senators Hooker, Clarkson and McCormack

3 Referred to Committee on

4 Date:

5 Subject: Executive; labor; State Employees Labor Relations Act; Municipal

6 Labor Relations Act; binding arbitration

7 Statement of purpose of bill as introduced: This bill proposes to provide that a  
8 bargaining impasse between the State of Vermont or the Vermont State  
9 Colleges and the representative of a collective bargaining unit will be resolved  
10 through binding arbitration unless the parties mutually agree to submit the  
11 impasse to the Vermont Labor Relations Board. This bill also proposes to  
12 provide that a contract impasse between a municipality and the exclusive  
13 bargaining agent for public safety employees shall be resolved through binding  
14 arbitration.

15 An act relating to binding interest arbitration for State employees and  
16 municipal public safety employees

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

18 Sec. 1. 3 V.S.A. § 925 is amended to read:

19 § 925. MEDIATION; FACT FINDING

20 \* \* \*

1           (i)(1) ~~If~~ In the case of the Department of State's Attorneys and Sheriffs and  
2 the University of Vermont, if the dispute remains unresolved 20 days after  
3 transmittal of findings and recommendations to the parties or within a time  
4 frame mutually agreed upon by the parties that may be no more than an  
5 additional 30 days, each party shall submit as a single package its last best  
6 offer on all disputed issues to the Board. Each party's last best offer shall be  
7 filed with the Board under seal and shall be unsealed and placed in the public  
8 record only when both parties' last best offers are filed with the Board. The  
9 Board shall hold one or more hearings. Within 30 days of the certifications,  
10 the Board shall select between the last best offers of the parties, considered in  
11 ~~its~~ their entirety without amendment.

12           (2) In the case of the State of Vermont and the Vermont State Colleges,  
13 if the dispute remains unresolved 20 days after transmittal of findings and  
14 recommendations to the parties or within a time frame mutually agreed upon  
15 by the parties that may be no more than an additional 30 days, each party shall  
16 submit as a single package its last best offer on all disputed issues to an  
17 arbitrator mutually agreed upon by the parties or, upon mutual agreement of  
18 the parties, to the Board. If the parties do not agree, the Board shall appoint a  
19 neutral third party to act as arbitrator pursuant to rules adopted by the Board.  
20 Each party's last best offer shall be filed with the arbitrator or the Board under  
21 seal and shall be unsealed and placed in the public record only when both

1 parties' last best offers are filed with the arbitrator or the Board. The arbitrator  
2 or the Board shall hold one or more hearings. Within 30 days of the  
3 certifications, the arbitrator or the Board shall select between the last best  
4 offers of the parties, considered in their entirety without amendment.

5 (j) Notwithstanding the provisions of subsection (i) of this section;

6 (1) In the case of the Department of State's Attorneys and Sheriffs and  
7 the University of Vermont, should the Board find the last best offers of both  
8 parties unreasonable and likely to produce undesirable results, or likely to  
9 result in a long-lasting negative impact upon the parties' collective bargaining  
10 relationship, then the Board may select the recommendation of the fact finder  
11 under subsection (g) of this section as to those disputed issues submitted to the  
12 Board in the last best offers.

13 (2) In the case of the State of Vermont and the Vermont State Colleges,  
14 should the arbitrator or the Board find the last best offers of both parties  
15 unreasonable and likely to produce undesirable results, or likely to result in a  
16 long-lasting negative impact upon the parties' collective bargaining  
17 relationship, then the arbitrator or the Board may select the recommendation of  
18 the fact finder under subsection (g) of this section as to those disputed issues  
19 submitted to the arbitrator or the Board in the last best offers.

20 (k)(1) In the case of ~~the State of Vermont or~~ the Department of State's  
21 Attorneys and Sheriffs, the decision of the Board shall be final, and the terms

1 of the chosen agreement shall be binding on each party, subject to  
2 appropriations in accordance with subsection 982(d) of this title. In the case of  
3 the University of Vermont ~~or the Vermont State Colleges~~, the decision of the  
4 Board shall be final and binding on each party.

5 (2) In the case of the State of Vermont, the decision of the arbitrator or  
6 the Board shall be final, and the terms of the chosen agreement shall be  
7 binding on each party, subject to appropriations in accordance with subsection  
8 982(d) of this title. In the case of the Vermont State Colleges, the decision of  
9 the arbitrator or the Board shall be final and binding on each party.

10 (1) Nothing herein shall be construed to permit an arbitrator or the Board to  
11 issue an order under subsection (i) of this section binding upon the parties that  
12 is in conflict with any statute or any rule or regulation that is not bargainable.

13 Sec. 2. 21 V.S.A. § 1733 is amended to read:

14 § 1733. ARBITRATION

15 (a)(1) Nothing ~~herein~~ in this chapter shall prevent the legislative body of a  
16 municipal employer and the exclusive bargaining agent from voluntarily  
17 submitting a contract impasse to final and binding arbitration or for the  
18 municipality by a referendum vote from adopting binding arbitration  
19 procedures, in the following form:



1 Sec. 3. 21 V.S.A. § 1722 is amended to read:

2 § 1722. DEFINITIONS

3 As used in this chapter:

4 \* \* \*

5 (22) “Municipal public safety employee” means a municipal employee  
6 who is:

7 (A) a firefighter as defined in 20 V.S.A. § 3151(3);

8 (B) an ambulance service, emergency medical personnel, or first  
9 responder service as defined in 24 V.S.A. § 2651; or

10 (C) a law enforcement officer who has been certified by the Vermont  
11 Criminal Justice Training Council pursuant to 20 V.S.A. § 2358.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on July 1, 2019 and shall apply to contract  
14 negotiations that begin on or after July 1, 2019.