

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 156 entitled “An act relating to binding interest arbitration for State
4 employees and municipal public safety employees” respectfully reports that it
5 has considered the same and recommends that the bill be amended by striking
6 out all after the enacting clause and inserting in lieu thereof the following:

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

8 § 925. MEDIATION; FACT FINDING

9 * * *

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

1 (2) In the case of the State of Vermont or the Department of State’s
2 Attorneys and Sheriffs, 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, or upon the request of either party, to
7 an arbitrator mutually agreed upon by the parties. If the parties cannot agree
8 on an arbitrator, the American Arbitration Association shall appoint a neutral
9 third party to act as arbitrator. Each party’s last best offer shall be filed with
10 the Board or the arbitrator under seal and shall be unsealed and placed in the
11 public record only when both parties’ last best offers are filed with the Board
12 or the arbitrator. The Board or the arbitrator shall hold one or more hearings.
13 Within 30 days of the certifications, the Board or the arbitrator shall select
14 between the last best offers of the parties, considered in their entirety without
15 amendment.

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

17 (1) In the case of the Vermont State Colleges or the University of
18 Vermont, should the Board find the last best offers of both parties
19 unreasonable and likely to produce undesirable results, or likely to result in a
20 long-lasting negative impact upon the parties’ collective bargaining
21 relationship, then the Board may select the recommendation of the fact finder

1 under subsection (g) of this section as to those disputed issues submitted to the
2 Board in the last best offers.

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

11 ~~(k)(1) In the case of the State of Vermont or the Department of State's~~
12 ~~Attorneys and Sheriffs, the decision of the Board shall be final, and the terms~~
13 ~~of the chosen agreement shall be binding on each party, subject to~~
14 ~~appropriations in accordance with subsection 982(d) of this title. In the case of~~
15 ~~the University of Vermont or the Vermont State Colleges, the decision of the~~
16 ~~Board shall be final and binding on each party.~~

17 (2) In the case of the State of Vermont or the Department of State's
18 Attorneys and Sheriffs, the decision of the Board or the arbitrator shall be final,
19 and the terms of the chosen agreement shall be binding on each party, subject
20 to appropriations in accordance with subsection 982(d) of this title.

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

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

5 § 1733. ARBITRATION

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

11 The arbitrator shall have the power to determine all issues in dispute
12 involving wages, hours, and conditions of employment as defined by ~~this~~
13 ~~chapter~~ 21 V.S.A. chapter 22.

14 (2)(A) Notwithstanding any provision of subdivision (1) of this section,
15 if an impasse continues between the legislative body of a municipal employer
16 and the exclusive bargaining agent for municipal public safety employees for
17 20 days after a fact finder has made its report public under subsection 1732(e)
18 of this title, the legislative body of the municipal employer and the exclusive
19 bargaining agent for the municipal public safety employees shall submit the
20 contract impasse to final and binding arbitration pursuant to the provisions of
21 this section.

1 (B) Notwithstanding section 1732 of this chapter to the contrary,
2 after the mediator has certified to the Commissioner of Labor that the impasse
3 continues, the legislative body of a municipal employer and the exclusive
4 bargaining agent for municipal public safety employees may agree to proceed
5 directly to final and binding arbitration pursuant to the provisions of this
6 section without first submitting the dispute to fact finding pursuant to
7 section 1732 of this chapter.

8 (C) The provisions of this subdivision (2) shall not apply to
9 negotiations between the legislative body of a municipal employer and the
10 exclusive bargaining agent for a bargaining unit that includes both municipal
11 public safety employees and other municipal employees.

12 * * *

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

14 § 1722. DEFINITIONS

15 As used in this chapter:

16 * * *

17 (22) “Municipal public safety employee” means a municipal employee
18 who is:

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

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

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

3 Sec. 4. EFFECTIVE DATE

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

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12 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE