

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

1 (2) In the case of the State of Vermont, if the dispute remains
2 unresolved 20 days after transmittal of findings and recommendations to the
3 parties or within a time frame mutually agreed upon by the parties that may be
4 no more than an additional 30 days, each party shall submit as a single package
5 its last best offer on all disputed issues to the Board, or upon the request of
6 either party, to an arbitrator mutually agreed upon by the parties. If the parties
7 cannot agree on an arbitrator, the American Arbitration Association shall
8 appoint a neutral third party to act as arbitrator. Each party's last best offer
9 shall be filed with the Board or the arbitrator under seal and shall be unsealed
10 and placed in the public record only when both parties' last best offers are filed
11 with the Board or the arbitrator. The Board or the arbitrator shall hold one or
12 more hearings. Within 30 days of the certifications, the Board or the arbitrator
13 shall select between the last best offers of the parties, considered in their
14 entirety without amendment.

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

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

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

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

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

16 (2) In the case of the State of Vermont, the decision of the Board or the
17 arbitrator shall be final, and the terms of the chosen agreement shall be binding
18 on each party, subject to appropriations in accordance with subsection 982(d)
19 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 Sec. 4. EFFECTIVE DATE

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

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10 (Committee vote: _____)

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Senator _____

FOR THE COMMITTEE

DRAFT