

Written testimony on S.156 by Bradley Reed, President, Professional Fire Fighters of Vermont

My name is Bradley Reed, I am the president of the Professional Fire Fighters of Vermont. We represent paid professional union firefighters, emergency medical technicians, and paramedics who work in cities and towns where they have a collective bargaining agreement. The contracts our members work under, and the laws that govern them fall under the Vermont Municipal Labor Relations Act (VMLRA). The cities or towns where our members work are Burlington, South Burlington, Williston, Montpelier, Barre City, Barre Town, St. Johnsbury, Rutland, Hartford, Springfield, and Brattleboro.

Thank you for the opportunity to testify on S.156, a bill which would require binding interest arbitration for public safety employees. I am here to testify on behalf of our members in favor of this legislation.

As you know, the collective bargaining process gives unions and their employers the right to negotiate in good faith the terms of wages, hours, and conditions of employment so that the respective parties can execute a written agreement incorporating provisions mutually agreed upon. As this bargaining process begins and continues for a period of time, the parties discuss proposals and occasionally reach a point in time where neither side can move any further on their position, and an impasse is declared. Once an impasse is declared, parties may petition the Commissioner of Labor to appoint a mediator who can attempt to resolve the outstanding issues. If the mediation process is not successful in breaking an impasse, then either party may request a fact finder to be appointed. The fact finder holds hearings and provides each party an opportunity to state their respective position regarding the issues at hand. At the end of the fact finders review, they submit a non-binding advisory report to both

parties. If the fact finding process fails to resolve the impasse, there is some uncertainty as to how it may be resolved.

One method to break a dead-locked impasse is for employees to go on strike. In the case of municipal workers, the VMLRA allows for the use of strikes by unions under certain conditions, and prohibits strikes under other certain conditions. One condition that prohibits strikes is 21 VSA § 1730 (3) if it will endanger the health, safety, and welfare of the public, a municipal employer may seek an injunction preventing workers from striking. In some cases our members have agreed to no strike/no lock-out language in contracts as we recognize the essential and critical nature of our occupation, and the impact a work stoppage would have on our communities. 21 VSA § 1733 also allows for the voluntary agreement of the municipal employer and exclusive bargaining agent from voluntarily agreeing to, or the municipality by referendum vote to allow for binding interest arbitration. Absent binding interest arbitration, the presumption is, that a municipality employer can unilaterally impose a contract. This inequity in the resolution process is the point for which we most strongly support S.156.

The proposed language in S.156 would level the playing field for our members who essentially have no recourse following the exhaustion of a process to resolve an impasse. Binding interest arbitration would institute a process by which both parties are bound to it's terms. During the arbitration process, both parties would choose the arbitrator, both parties would be afforded equal opportunity to state their position on the remaining negotiable items, both parties would be responsible for the expense of the arbitrator, and both parties would be subject to the final and binding decision. Binding interest arbitration will cause both parties to come to the table at the outset with reasonable positions as both parties will have to submit to the findings of a neutral party should it be required.

So in conclusion, we are thankful that the Vermont Legislature is taking up this important bill. Our organization supports this language and the prospect of giving public safety workers a mechanism to resolve an impasse in a fair and balanced way.