

Side-by-Side Comparisons of Binding Interest Arbitration Provisions in SELRA and S.78 Proposal for JELRA

Bill Language:

Description	SELRA: 3 V.S.A. § 925 (From 2019 Act 61, § 21)	JELRA: 3 V.S.A. § 1018 (From S.78)
Time to Elect Arbitration and Selection of Arbitrator	<p>(i)(2) <u>In the case of the State of Vermont or the Department of State’s Attorneys and Sheriffs, if the dispute remains unresolved 20 days after transmittal of findings and recommendations to the parties or within a time frame mutually agreed upon by the parties that may be no more than an additional 30 days, each party shall submit as a single package its last best offer on all disputed issues to the Board, or upon the request of either party, to an arbitrator mutually agreed upon by the parties. If the parties cannot agree on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator. Each party’s last best offer shall be filed with the Board or the arbitrator under seal and shall be unsealed and placed in the public record only when both parties’ last best offers are filed with the Board or the arbitrator. The Board or the arbitrator shall hold one or more hearings. Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment.</u></p>	<p>(i)(1) <u>If the dispute remains unresolved 15 20 days after transmittal of findings and recommendations or within a period of time mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit to the Board or, upon the request of either party, to an arbitrator mutually agreed upon by the parties its last best offer on all disputed issues as a single package. If the parties cannot agree on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator.</u></p> <p>(2) <u>Each party’s last best offer shall be:</u></p> <p>(A) <u>filed with the Board or the arbitrator under seal;</u></p> <p>(B) <u>certified to the Board or the arbitrator by the fact finder; and</u></p> <p>(C) <u>unsealed and placed in the public record only when both parties’ last best offers are filed with the Board or the arbitrator.</u></p> <p>(3) <u>The Board may or the arbitrator shall hold one or more hearings and consider the recommendations of the fact finder.</u></p> <p>(4)(A) <u>Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment, and shall determine its cost.</u></p>
Selection of Fact Finder’s Recommendation	<p>(j) <u>Notwithstanding the provisions of subsection (i) of this section;</u></p> <p align="center">* * *</p>	<p>(B) <u>If the Board or the arbitrator finds that the last best offers of both parties are unreasonable and likely to produce undesirable results or likely to result in a long-lasting negative impact upon the</u></p>

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	<p><u>(2) In the case of the State of Vermont or the Department of State’s Attorneys and Sheriffs, should the Board or the arbitrator find the last best offers of both parties unreasonable and likely to produce undesirable results, or likely to result in a long-lasting negative impact upon the parties’ collective bargaining relationship, then the Board or the arbitrator may select the recommendation of the fact finder under subsection (g) of this section as to those disputed issues submitted to the Board or the arbitrator in the last best offers.</u></p>	<p><u>parties’ collective bargaining relationship, then the Board or the arbitrator may select the recommendation of the fact finder under subsection (g) of this section as to those disputed issues submitted to the Board or the arbitrator in the last best offers.</u></p>
<p>Finality of Decision and Limitation on Arbitrator’s Authority</p>	<p><u>(k)(2) In the case of the State of Vermont or the Department of State’s Attorneys and Sheriffs, the decision of the Board or the arbitrator shall be final, and the terms of the chosen agreement shall be binding on each party, subject to appropriations in accordance with subsection 982(d) of this title.</u></p> <p>(l) Nothing herein shall be construed to permit <u>an arbitrator or the Board</u> to issue an order under subsection (i) of this section binding upon the parties that is in conflict with any statute or any rule or regulation that is not bargainable.</p>	<p><u>(5) The Board or the arbitrator shall not issue an order under this subsection that is in conflict with any law or rule or that relates to an issue that is not bargainable.</u></p> <p><u>(6) The decision of the Board or the arbitrator shall be final and binding on the parties.</u></p>

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Statutory Language:

Description	SELRA: 3 V.S.A. § 925	JELRA: 3 V.S.A. § 1018 (As Proposed by S.78)
Time to Elect Arbitration and Selection of Arbitrator	<p>(i) In the case of the State of Vermont or the Department of State’s Attorneys and Sheriffs, if the dispute remains unresolved 20 days after transmittal of findings and recommendations to the parties or within a time frame mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit as a single package its last best offer on all disputed issues to the Board, or upon the request of either party, to an arbitrator mutually agreed upon by the parties. If the parties cannot agree on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator. Each party’s last best offer shall be filed with the Board or the arbitrator under seal and shall be unsealed and placed in the public record only when both parties’ last best offers are filed with the Board or the arbitrator. The Board or the arbitrator shall hold one or more hearings. Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment.</p>	<p>(i)(1) If the dispute remains unresolved 20 days after transmittal of findings and recommendations or within a period of time mutually agreed upon by the parties that may be not more than an additional 30 days, each party shall submit to the Board or, upon the request of either party, to an arbitrator mutually agreed upon by the parties its last best offer on all disputed issues as a single package. If the parties cannot agree on an arbitrator, the American Arbitration Association shall appoint a neutral third party to act as arbitrator.</p> <p>(2) Each party’s last best offer shall be:</p> <p>(A) filed with the Board or the arbitrator under seal;</p> <p>(B) certified to the Board or the arbitrator by the fact finder; and</p> <p>(C) unsealed and placed in the public record only when both parties’ last best offers are filed with the Board or the arbitrator.</p> <p>(3) The Board or the arbitrator shall hold one or more hearings and consider the recommendations of the fact finder.</p> <p>(4)(A) Within 30 days of the certifications, the Board or the arbitrator shall select between the last best offers of the parties, considered in their entirety without amendment, and shall determine its cost.</p>
Selection of Fact Finder’s Recommendation	<p>(j) Notwithstanding the provisions of subsection (i) of this section:</p> <p align="center">* * *</p>	<p>(B) If the Board or the arbitrator finds that the last best offers of both parties are unreasonable and likely to produce undesirable results or likely to result in a long-lasting negative impact upon the</p>

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	<p>(2) In the case of the State of Vermont or the Department of State’s Attorneys and Sheriffs, should the Board or the arbitrator find the last best offers of both parties unreasonable and likely to produce undesirable results, or likely to result in a long-lasting negative impact upon the parties’ collective bargaining relationship, then the Board or the arbitrator may select the recommendation of the fact finder under subsection (g) of this section as to those disputed issues submitted to the Board or the arbitrator in the last best offers.</p>	<p>parties’ collective bargaining relationship, then the Board or the arbitrator may select the recommendation of the fact finder under subsection (g) of this section as to those disputed issues submitted to the Board or the arbitrator in the last best offers.</p>
<p>Finality of Decision and Limitation on Arbitrator’s Authority</p>	<p>(k)(1) In the case of the University of Vermont or the Vermont State Colleges, the decision of the Board shall be final and binding on each party.</p> <p>(2) In the case of the State of Vermont or the Department of State’s Attorneys and Sheriffs, the decision of the Board or the arbitrator shall be final, and the terms of the chosen agreement shall be binding on each party, subject to appropriations in accordance with subsection 982(d) of this title.</p> <p>(l) Nothing herein shall be construed to permit an arbitrator or the Board to issue an order under subsection (i) of this section binding upon the parties that is in conflict with any statute or any rule or regulation that is not bargainable.</p>	<p>(5) The Board or the arbitrator shall not issue an order under this subsection that is in conflict with any law or rule or that relates to an issue that is not bargainable.</p> <p>(6) The decision of the Board or the arbitrator shall be final and binding on the parties.</p>