

2018 -- H 7378

LC004287

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- MUNICIPAL EMPLOYEES'  
ARBITRATION

Introduced By: Representatives McEntee, Canario, O'Brien, Almeida, and Tanzi

Date Introduced: January 31, 2018

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 28-9.4 of the General Laws entitled "Municipal Employees'  
2 Arbitration" is hereby amended by adding thereto the following section:

3 **28-9.4-20. Exclusive bargaining representative obligations.**

4 (a) The exclusive representative shall have the right to act for and negotiate agreements  
5 covering all employees in the bargaining unit. Nothing in the provision shall require the exclusive  
6 representative to provide representation at any level of the grievance process, including  
7 arbitration, in any case on behalf of an employee who has elected not to maintain membership in  
8 the employee organization for a period of at least ninety (90) days prior to the events giving rise  
9 to the grievance.

10 (b) An employee who has elected not to maintain membership in the employee  
11 organization may, at their own expense, pursue a grievance against the employer and have such  
12 grievance heard, without intervention by the exclusive representative, provided that the exclusive  
13 representative is afforded the opportunity to be present at such grievance/arbitration hearing and  
14 that any resolution of the grievance shall not be inconsistent with the terms of the collective  
15 bargaining agreement then in effect between the employer and the exclusive representative. The  
16 exclusive representative shall have no obligation to incur expenses related to a grievance initiated  
17 by an employee who has elected not to maintain membership in the employee organization for a  
18 period of at least ninety (90) days prior to the events giving rise to the grievance.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL

OF

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1           This act would relieve municipal employee bargaining representatives from their  
2 obligation to represent employees in grievances/arbitrations if they were not members of the  
3 bargaining unit in the ninety (90) days prior to the events that caused the grievance.

4           This act would take effect upon passage.

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