

2021 -- H 5406

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- MUNICIPAL EMPLOYEES'
ARBITRATION

Introduced By: Representative David A. Bennett

Date Introduced: February 05, 2021

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-9.4-1, 28-9.4-3, 28-9.4-4, 28-9.4-12 and 28-9.4-13 of the General
2 Laws in Chapter 28-9.4 entitled "Municipal Employees' Arbitration" are hereby amended to read
3 as follows:

4 **28-9.4-1. Declaration of policy -- Purpose.**

5 (a) It is declared to be the public policy of this state to accord to municipal employees the
6 right to organize, to be represented, to negotiate, and to bargain on a collective basis with municipal
7 employers, ~~over covering~~ hours, ~~salary, working conditions~~ wages, rates of pay and all other terms
8 and conditions of employment; provided, that nothing contained in this chapter shall be construed
9 to accord to municipal employees the right to strike.

10 (b) To provide for the exercise of these rights, a method of arbitration of disputes is hereby
11 established. The establishment of this method of arbitration shall not, however, in any way
12 whatsoever, be deemed to be a recognition by the state of compulsory arbitration as a superior
13 method of settling labor disputes between employees who possess the right to strike and their
14 employers, but rather shall be deemed to be a recognition solely of the necessity to provide some
15 alternative mode of settling disputes where employees must, as a matter of public policy, be denied
16 the usual right to strike.

17 **28-9.4-3. Right to organize and bargain collectively.**

18 (a) The municipal employees of any municipal employer in any city, town, or regional

1 school district shall have the right to negotiate and to bargain collectively with their respective
2 municipal employers and to be represented by an employee organization in the negotiation or
3 collective bargaining concerning hours, ~~salary, working conditions~~ wages, rates of pay, and all
4 other terms and conditions of employment.

5 (b) Notwithstanding the provisions of subsection (a), for those municipal employees who
6 are employed by school districts, collective bargaining agreements shall not provide for benefits
7 for health care ("benefit plans") for school district employees unless such benefit plans are
8 authorized in accordance with chapter 73 of title 27. School district employees whose collective
9 bargaining agreements expire on or after September 30, 2011 may, upon expiration of such
10 collective bargaining agreements, receive benefit plans including, but not limited to, those
11 recommended in accordance with chapter 73 of title 27.

12 **28-9.4-4. Recognition of bargaining agent.**

13 The employee organization selected by the municipal employees in an appropriate
14 bargaining unit, as determined by the state labor relations board, shall be recognized by the
15 municipal employer or the city, town, or district as the sole and exclusive negotiating or bargaining
16 agent for all of the municipal employees in the appropriate bargaining unit in the city, town, or
17 school district unless and until recognition of the employee organization is withdrawn or changed
18 by vote of the municipal employees in the appropriate bargaining unit after a duly conducted
19 election held pursuant to the provisions of this chapter. An employee organization or the municipal
20 employer may designate any person or persons to negotiate or bargain in its behalf; provided,
21 however, that the person or persons so designated shall be given the authority to enter into and
22 conclude an effective and binding collective bargaining agreement.

23 **28-9.4-12. Hearings.**

24 (a) The arbitrators shall call a hearing to be held within ten (10) days after their appointment
25 and shall give at least seven (7) days notice, in writing, to the negotiating or bargaining agent and
26 the municipal employer of the time and place of the hearing.

27 (b) The hearing shall be informal, and the rules of evidence prevailing in judicial
28 proceedings shall not be binding. Any and all documentary evidence and other data deemed
29 relevant by the arbitrators may be received in evidence.

30 (c) The arbitrators shall have the power to administer oaths and to require by subpoena the
31 attendance and testimony of witnesses, and the production of books, records, and other evidence
32 relative or pertinent to the issues presented to them for determination.

33 (d) Both the negotiating or bargaining agent and the municipal employer shall have the
34 right to be represented at any hearing before the arbitrators by counsel of their own choosing.

1 (e) The hearing conducted by the arbitrators shall be concluded within twenty (20) days of
2 the time of commencement, and within ten (10) days after the conclusion of the hearings, the
3 arbitrators shall make written findings and a written opinion upon the issues presented, a copy of
4 which shall be mailed or otherwise delivered to the negotiating or bargaining agent or its attorney
5 or other designated representative and the municipal employer. [A majority decision of the](#)
6 [arbitrators shall be final and binding upon both the bargaining agent and the municipal employer.](#)

7 **28-9.4-13. Appeal from decision.**

8 (a) While the parties are engaged in negotiations and/or utilizing the dispute resolution
9 process as required in § 28-9.4-10, all terms and conditions in the collective bargaining agreement
10 shall remain in effect. The decision of the arbitrators shall be made public and shall be binding
11 upon the municipal employees in the appropriate bargaining unit and their representative and the
12 municipal employer on all matters ~~not involving the expenditure of money. Should either party~~
13 ~~reject the nonbinding matters in the decision of the arbitrators, the binding matters shall be~~
14 ~~implemented.~~ Following the conclusion of the dispute resolution process as required in § 28-9.4-
15 10, should the parties still be unable to reach agreement, all contractual provisions related to wages
16 and benefits contained in the collective bargaining agreement, except for any contractual provisions
17 that limit layoffs, shall continue as agreed to in the expired collective bargaining agreement until
18 such time as a successor agreement has been reached between the parties.

19 (b) The decision of the arbitrators shall be final and cannot be appealed except on the
20 ground that the decision was procured by fraud or that it violates the law, in which case appeals
21 shall be to the superior court.

22 (c) The municipal employer shall within three (3) days after it receives the decision send a
23 true copy of the decision by certified or registered mail postage prepaid to the department or agency
24 of the municipal employer responsible for the preparation of the budget and to the agency of the
25 municipal employer that appropriates money for the operation of the particular municipal function
26 or service in the city, town, or regional school district involved, if the decision involves the
27 expenditure of money.

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

30 **28-9.4-12.1. Factors to be considered by arbitration board.**

31 [The arbitrators shall conduct the hearings and render their decision upon the basis of a](#)
32 [prompt, peaceful and just settlement of wages, rates of pay, hours or terms and conditions of](#)
33 [employment disputes, between the municipal employees and their municipal employer. The factors,](#)
34 [among others, to be given weight by the arbitrators in arriving at a decision shall include:](#)

1 (1) Comparison of wage rates or hourly conditions of employment of a municipal employer
2 in question, with prevailing wage rates or hourly conditions of employment for the same or similar
3 work of employees exhibiting like or similar skills, under the same or similar working conditions
4 in the local operating area involved;

5 (2) Comparison of wage rates or hourly conditions of employment of the municipal
6 employer in question with wage rates or hourly conditions of employment maintained for the same
7 or similar work of employees exhibiting like or similar skills under the same or similar working
8 conditions in the local operating area involved;

9 (3) Comparison of wage rates or hourly conditions of employment of the municipal
10 employer in question with wage rates or hourly conditions of employment of municipal employers
11 in cities or towns of comparable size;

12 (4) Interest and welfare of the public;

13 (5) Comparison of peculiarities of employment with other trades or professions,
14 specifically:

15 (i) Hazards of employment;

16 (ii) Physical qualifications;

17 (iii) Educational qualifications;

18 (iv) Mental qualifications; and

19 (v) Job training and skills.

20 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- MUNICIPAL EMPLOYEES'
ARBITRATION

1 This act would establish new factors for the interest contract arbitration board for municipal
2 employee unions as well as granting the board power to render an award over all negotiated matters,
3 including the expenditure of money.

4 This act would take effect upon passage.

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