

DISTRICT 4

Public Sector Labor Relations Laws



**Bill Pienta
District 4 Director**

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Introduction

Two federal laws, the National Labor Relations Act and the Railway Labor Act, guarantee the right to collective bargaining for non-agricultural private sector workers. Ironically, when those federal laws, which provide a measure of workplace democracy, were passed, public sector employees at the federal, state, and local levels were left out. Public sector employees were excluded from coverage of all worker protection and labor standards legislation enacted during the New Deal and beyond, until the 1960's.

Instead, public sector employees have had to rely on the passage of collective bargaining laws at the federal, state, and local government levels. Consequently, the right to collective bargaining in the public sector is a patchwork system of federal, state, and local laws without universal coverage, scope, or protection.

The federal collective bargaining laws for the public sector that do exist cover only federal employees. Excluded from those laws, state and local public employees have had to struggle to get collective bargaining laws passed. Although collective bargaining exists in varying degrees at the state and local levels, it does not exist everywhere as a right for everyone. Only 25 states have passed comprehensive public sector labor relations laws, extending collective bargaining to public employees at the state and local levels. An additional 16 states have passed more limited state public sector laws, granting limited collective bargaining rights. These laws restrict either the scope of bargaining for state employees, limit the coverage to local employees, or limit the occupations covered at the local government level.

With laws enacted in 1998, public employees of the central government of Puerto Rico gained collective bargaining rights. However, progress in getting new laws or expanding existing rights is painfully slow. At the same time, we face efforts to dismantle existing rights. New Mexico state employees lost bargaining rights when their law expired in 1999. In 2003, the Transportation Security Administration (TSA) stripped collective bargaining rights from airport screeners. In 2004, the Governor of Kentucky abolished the state's obligation to meet and confer with public sector unions. Additionally, in 2005, the governors of Missouri and Indiana removed, by executive order, collective bargaining rights for state employees.

Nearly 65 percent of those public employees whose collective bargaining rights are guaranteed by state law are covered by a collective bargaining agreement. In contrast, where state law protections are lacking, only 20 percent of state and local government employees were involved in some sort of labor-management relations. These public employees have been negotiating under local government labor relations ordinances or functioning without legal protection for their activities.

The key to excellent public services is meaningful public employee involvement. Historically, the extension of collective bargaining rights to public employees has resulted in increased job satisfaction, improved productivity, and more cost-effective services through improved labor and management cooperation.

**Connecticut
Public Sector
Labor Relations Laws**

Summary: Connecticut has three state collective bargaining laws. One law covers state workers, a second covers local government employees, and a third teachers.

Law 1

Coverage: State employees.

Authority: Conn. Gen. Stats. Title 5, Sec. 5-270 et seq.

Exclusions: Elected or appointed officials; board and commission members; confidential employees and managerial employees.

Administrative Agency:
State Board of Labor Relations (SBLR)
38 Walcott Hill Road
Wethersfield, CT 06109
(860) 566-4142

Unit Determination: SBLR

Criteria for Unit Determination:

- Community of interest;
- Effects of fragmentation;
- Professionals must vote for inclusion in non-professional units.

Recognition: Exclusive; voluntary or by election.

Scope of Bargaining: Wages, hours and other conditions of employment; the power to conduct and grade merit examinations and the content of such exams is not subject to collective bargaining. Nor is the power to rate candidates.

Impasse Procedures:

Mediation: upon the joint request of the parties following the commencement of negotiations, the state board of mediation and arbitration may designate a mediator, who must be approved by both parties.

Arbitration: After ninety days from the commencement of negotiations, both parties or either of them may initiate arbitration from the state board of mediation and arbitration. The parties shall jointly select an impartial arbitrator, who will begin hearings to be concluded within 30 days unless both parties or the arbitrator request an extension. Within 14 days after the hearings, the parties must submit their briefs to the arbitrator including their last best offer. Each party may then submit a reply brief within 20 days after the filing of the reply briefs, the arbitrator will select the more reasonable last best offer proposal on each of the disputed issues.

The award of the arbitrator shall be final and binding unless rejected by the legislature. Arbitration awards and a statement setting forth the amount of funds necessary to implement the award must be filed with the general assembly for approval. If rejected, the matter shall be returned to the parties for further bargaining.

Criteria for Arbitration Award: History of negotiations; existing conditions of similar groups of employees; prevailing wage and benefit levels; overall compensation paid to employees, including overtime and premium pay, vacations, holidays, and other leave, insurance, pensions, medical and hospitalization benefits, food and apparel furnished and all other benefits received by employees; the ability of the employer to pay; changes in the cost of living; and the interests and welfare of the employees.

Union Security: Dues deduction mandatory. Agency shop mandatory, fair share provisions allowable subject to collective bargaining.

Grievance Procedure: Voluntary arbitration permitted.

Employee Rights: To organize, form, join or assist labor organizations; bargain collectively, engage in other concerted activities; present grievances.

Unfair Labor Practices:

Employer:

- Interfere, restrain or coerce employees;
- Dominate labor organizations;
- Discriminate on account of labor organization membership or testimony;
- Refusal to reduce agreement to writing and sign such agreement;
- Violate SBLR rules regarding conduct of representation elections.

Labor Organization:

- Restrain or coerce employees or employer's representative;
- Refusal to bargain in good faith;
- Violate the SBLR rules regarding the conduct of representation elections;
- Refusal to reduce agreement to writing and sign such agreement.

Strike Policy: Prohibited.

Law 2

Coverage: Municipal employees.

Authority: Conn. Gen. Stats. Title 7, Sec. 7-467 et seq.

Exclusions: Elected and administrative officials, board and commission members; certified teachers; department heads; and part time employees who work less than 20 hour per week on a seasonal basis.

Administrative Agency:

State Board of Labor Relations (SBLR)
38 Walcott Hill Road
Wethersfield, CT 06109
(860) 566-4142

Unit Determination: SBLR

Criteria for Unit Determination:

- Single unit for each fire and police department consisting for uniformed and investigatory employees;
- Professionals must vote for inclusion in non-professional units;
- Community of interest;
- No unit shall include both supervisory and non-supervisory employees except for police and fire.

Recognition: Exclusive; voluntary or by election.

Scope of Bargaining: Wages, hours, and other conditions of employment, excluding merit system.

Timetable for Negotiations:

Negotiations shall commence at least 120 days prior to the expiration of a current agreement. If, within 59 days of the commencement of negotiations on the terms of a current contract, or within 80 days of certification or recognition of a union, a new agreement has not been approved, the SBLR must appoint a mediator.

Impasse Procedures:

Arbitration: Mandatory. If within 30 days after current agreement expires or 30 days after the parties commence negotiations to revise said agreement on any matter affecting wages, hours, or other conditions of employment neither party has requested mediation, the state board of mediation and arbitration shall impose final and binding arbitration proceedings.

Employer selects one member of the panel; employee organization selects one and these two select an impartial third member who shall act as chair. A hearing will be held within ten days of the panel appointment, which will conclude within twenty days. Within ten days after the hearing, the parties shall submit their last best offers, which will be distributed to the parties. Parties will then submit reply briefs. Within 20 days after this, the panel will treat each unresolved issue as a separate question to be decided by it. In deciding each such question, the panel agreement shall accept the final provision relating to such unresolved issue as contained in the statement of last best offer of party or the other.

Within 25 days of the receipt of an arbitration award issued pursuant to this section, the legislative body of the municipal employer may reject the award by a two-thirds majority vote. Within ten days of such a rejection, the body must submit in writing the reasons for such vote to the state board of mediation and arbitration and the municipal employee organization. Within ten days, the municipal employee organization must submit its own reply to the rejection of the governing body to the state board of mediation and arbitration, which will then select an arbitration panel or one arbitrator to render a decision with respect to each rejected issue, which will be final and binding on both parties.

No party may submit for binding arbitration any issue or proposal, which was not presented during the negotiation process, unless both parties agree.

Criteria for an Arbitration Award: Public interest; the financial capability of the municipal employer, negotiations prior to arbitration; interests and welfare of the employee group; changes in the cost of living; the existing conditions of the employee group and those of similar groups; prevailing wage and benefit levels, including those in the private sector.

Union Security: Agency shop

Unfair Labor Practices:

Employer

- Interfere, restrain or coerce employees;
- Dominate or interfere with employee organization;
- Discourage or discriminate against employees;
- Refuse to bargain in good faith;
- Refuse to discuss grievances with employee organization;
- Refuse to comply with a grievance settlement or arbitration settlement.

Labor Organization

- Interfere, restrain or coerce employees or the municipal employer;
- Refuse to bargain in good faith;
- Refuse to comply with a grievance settlement or arbitration settlement.

Strike Policy: Prohibited.

Notes:

- No labor organization shall be eligible to petition for exclusive recognition or to participate in a recognition election unless it has been in existence for at least six months.
- A municipal employer and its employee organization may agree to seek health insurance coverage from the State Comptroller under the state employee health plan (Public Act 96-234).

Law 3

Coverage: Teachers.

Authority: Conn. Gen. Stats Title 10, Ch. 166, Sec. 10- 153a et seq.

Exclusions: Superintendent and assistant superintendent; employer's negotiators; personnel or budget employees; temporary substitutes; non-certified employees.

**Administrative Agency:
For Representation and Impasse**

State Board of Education (SBE)
165 Capital Avenue
Hartford, CT 06115
(203) 566-5371

For Prohibited Practices

State Board of Labor Relations (SBLR)
200 Folly Brook Blvd.
Wethersfield, CT 06109
(203) 566-4398

Unit Determination: Statute; two units established--administrators and teachers.

Recognition: Exclusive; voluntary requires showing of interest from majority in unit; election requires 20 percent to petition.

Scope of Bargaining: Salaries and other conditions of employment.

Impasse Procedures

Mediation: Either party may request mediation from the commissioner of the State Board of Education; if no agreement within 160 days prior to budget submission and mediation has not been initiated, commissioner of the Board will initiate mediation; costs shared equally by the parties.

Arbitration: If mediation fails by the fourth day or 135 days prior to the budget submission date, the commissioner of the State Board of Education shall initiate arbitration; parties may mutually agree to a single arbitrator, otherwise tripartite panel; final offer on an issue-by-issue basis; arbitration must conclude within 25 days of commencement, and the award must be due within 20 days after hearing all issues; costs of neutral and other incidental costs shared equally by the parties.

The arbitration awards may be rejected by legislative body of local school or legislative bodies of participating towns by a 2/3 vote.

Union Security: Agency shop permitted.

Employee Rights: To form, join or assist labor organizations, refrain from doing so; present grievances.

Unfair Labor Practices:**Employer**

- Interfere, restrain or coerce employees;
- Dominate labor organizations;
- Discriminate on account of testimony;
- Refusal to bargain in good faith;
- Refusal to participate in mediation or arbitration in good faith.

Labor Organization

- Interfere, restrain or coerce employees or employer's representative;
- Discriminate on account of testimony;
- Refusal to bargain in good faith;
- Refusal to participate in mediation or arbitration in good faith;
- Solicit or advocate support of students.

Strike Policy: Prohibited; enjoined by courts.

Notes:

- Arbitration awards are not subject to legislative approval.

**Delaware
Public Sector
Labor Relations Laws**

Summary: Delaware has three collective bargaining laws; one for employees of state, county, and local governments; one for teachers; and one for police and fire fighters. State employees may not bargain over wages, which are set by a state pay schedule issued through the legislature.

Law 1

Coverage: State employees; county government employees; employees of local governments with 100 or more employees; and employees of local governments with less than 100 employees that elect coverage by vote of its common council.

Authority: Public Employment Relations Act - Delaware Code Title 19, Sec. 1301 et seq.

Exclusions: Confidential and supervisory employees, teachers; elected or appointed officials; inmates; police and fire fighters.

Administrative Agency:

Public Employment Relations Board
Carvel State Office Building, 4th Floor
Ninth & French Streets
Wilmington, DE 19801
(302) 577-2959

Unit Determination: Department of Labor.

Criteria for Unit Determination:

- Duties, skills, working conditions;
- History of bargaining;
- Extent of organization;
- Employee desires.

Recognition: Exclusive by election.

Scope of Bargaining: County and local government employees may bargain over wages, salaries, hours, vacations, sick leave, grievance procedure and other terms and conditions of employment. State employee wages are set by a state pay schedule and are not subject to collective bargaining. State workers may bargain over other conditions of work.

Unfair Labor Practices:

Employer

- Interfere with, restrain, or coerce any employee in or because of the exercise of any right;
- Dominate, Interfere with, or assist in the formation, existence or administration of any labor organization;
- Encourage or discourage membership by discrimination in hiring, tenure or other;

- Discriminate on account of testimony, affidavit or complain;
- Refusal to bargain in good faith;
- Failure or refusal to comply with statutes;
- Refusal to reduce an agreement to writing and sign;
- Refusal to disclose any public record.

Labor Organization

- Interfere, restrain or coerce employees;
- Refuse to bargain collectively in good faith;
- Refusal to comply with statutes;
- Distribute literature or solicit employees during working hours;
- Hindering or preventing the pursuit of any lawful work or employment by any person;
- Instigating or advocating support for an organization's activities from students on school property.

Impasse Procedures

Mediation: Either party may request the PERB to appoint a mediator 30 days before the expiration of a collective bargaining agreement.

Fact-Finding: Parties may request that the PERB appoint a fact finder. The recommendations will be non-binding and will be guided by the "last, best, final offer of one of the parties."

Union Security: Dues deduction mandatory.

Employee Rights: To organize and select bargaining representatives; present grievances.

Strike Policy: Prohibited.

Notes:

- A U.L.P. adjudication process was established in 1994.

Law 2

Coverage: School employees.

Authority: Delaware Code Title 14, Ch. 40, Sec. 4001 et seq.

Exclusions: Supervisory, administrators, confidential employees and staff personnel.

Administrative Agency:

Department of Labor (DOL)
 Division of Industrial Affairs
 Labor Law Enforcement Section
 820 North French Street
 Wilmington, DE 19801
 (302) 577-2959

Recognition: Exclusive; voluntary requires showing of interest from majority of unit, in an election, certification requires majority of employees in unit.

Scope of Bargaining: Salaries, benefits and conditions of work.

Impasse Procedures

Mediation: Parties may voluntarily submit to mediation. If no method agreed to, a mediator is appointed by the Board.

Fact-Finding: If no settlement after a reasonable period of mediation, parties may petition Board to initiate fact-finding; may be initiated anytime by mutual agreement; fact-finder is selected by mutual agreement; costs are shared equally.

Union Security: Dues deduction by authorization; revocable by employee's written request.

Employee Rights: To join labor organizations; refrain from doing so; represent themselves on matters relating to employment relations.

Unfair Labor Practices

Employer

- Interfere with, restrain, or coerce any employee in or because of the exercise of any right;
- Dominate, Interfere with, or assist in the formation, existence or administration of any labor organization;
- Encourage or discourage membership by discrimination in hiring, tenure or other;
- Discriminate on account of testimony, affidavit or complain;
- Refusal to bargain in good faith;
- Failure or refusal to comply with statutes;
- Refusal to reduce an agreement to writing and sign;
- Refusal to disclose any public record.

Labor Organization

- Interfere, restrain or coerce employees;
- Refuse to bargain collectively in good faith;
- Refusal to comply with statutes;
- Distribute literature or solicit employees during working hours or in working areas;
- Hindering or preventing the pursuit of any lawful work or employment by any person;
- Instigating or advocating support for an organization's activities from students on school property.

Management Rights: A public school employer is not required to engage in collective bargaining on matters of inherent managerial policy such as functions and programs of employer, standards of service, overall budget, curriculum, discipline and selection and direction of personnel, etc.

Strike Policy: Prohibited.

Notes:

- Contract duration must be for minimum of two years.
- Certification of an exclusive bargaining representative shall be for a minimum of 24 months.

Law 3

Coverage: Police and fire fighters only where the governmental unit employees 25 or more full time employees, excluding elected or appointed employees who serve on a board or commission.

Authority: Delaware Code Title 19, Ch. 477, Sec. 1601 et seq.

Administrative Agency:

Department of Labor (DOL)
Division of Industrial Affairs
Labor Law Enforcement Section
820 North French Street
Wilmington, DE 19801
302/577-2959

Unit Determination: PERB

Criteria for Unit Determination:

- Similarity of duties;
- Skills and working conditions of employees;
- History of employee organization;
- Recommendation of employees involved;
- Effect of over-fragmentation;
- Administration efficiency.

Recognition: Exclusive.

Scope of Bargaining: Wages, hours, and other conditions of employment, excluding matters of service standards, staffing levels, technology, budgetary decisions, and selected of personnel.

Impasse Procedure

Mediation: Parties may voluntarily submit to mediation. If no method agreed to, a mediator is appointed by the Board.

Fact-Finding: If no settlement after a reasonable period of mediation, parties may petition Board to initiate fact-finding; may be initiated anytime by mutual agreement; fact-finder is selected by mutual agreement; costs are shared equally.

Union Security: Dues deduction by authorization revocable by employee's written request.

Employee Rights: To join labor organizations; refrain from doing so; represent themselves on matters relating to employment relations.

Unfair Labor Practices

Employer

- Interfere with, restrain, or coerce any employee in or because of the exercise of any right;
- Dominate, interfere with, or assist in the formation, existence or administration of any labor organization;
- Encourage or discourage membership by discrimination in hiring, tenure or other;
- Discriminate on account of testimony, affidavit or complaint;
- Refusal to bargain in good faith;
- Failure or refusal to comply with statutes;
- Refusal to reduce an agreement to writing and sign;
- Refusal to disclose any public record.

Labor Organization

- Interfere, restrain or coerce employees;
- Refuse to bargain collectively in good faith;
- Refusal to comply with statutes;
- Distribute literature or solicit employees during working hours;
- Hindering or preventing the pursuit of any lawful work or employment by any person.

Strike Policy: Prohibited

Maine Public Sector Labor Relations Laws

Summary: Maine has four laws, which provide bargaining rights to employees at all levels of government with only minor exceptions. There is a law for state employees, a law for municipal education and Maine Turnpike Authority employees, a law for employees of state universities, and a law for judicial employees.

Law 1

Coverage: State Employees

Authority: MRS - Title 4 26, Ch. 9-B, Sec. 979 et seq.

Exclusions: Elected or appointed officials; confidential employee whose duties relate to collective bargaining matters; department heads; persons employed less than six months; temporary, season or on-call employees; militia and national guard; staff attorney assistant and deputy attorney general; persons appointed to a major policy-influencing position (as defined by Title 5, Sec. 711, Subsection 2) or who substantially participate in the formulation and effectuation of policy in a department or agency, or has a major role, other than a supervisory role, in the administration of collective bargaining agreement in a department or agency.

Administrative Agency:
Maine Labor Relations Board (MLRB)
State Office Building
Augusta, ME 04333
(207) 289-2016

Unit Determination: Executive director in cases of dispute

Criteria for Unit Determination:

- Insuring employee's fullest freedom;
- Supervisors excluded from units, which include nor supervisory employees;
- Community of interest;
- Avoidance of over-fragmentation.

Recognition: Exclusive; voluntary or by election

Scope of Bargaining: All matters relating to the relationship between employer and employees including wages, work schedule and general working conditions. Excluded are matters prescribe by law; regulations governing application for state service; men system principles and personnel laws.

Grievance Procedure: Arbitration permitted; if no such provision, grievances must be submitted to the State Employees Appeals Board.

Employee Rights: To join, form and participate in labor organizations; present grievances.

Unfair Labor Practices:

Employer

- Interfere, restrain or coerce employees;
- Discriminate on account of labor organization membership or testimony;
- Dominate labor organizations;
- Refusal to bargain;
- Blacklist.

Labor Organization

- Interfere, restrain or coerce employees or employer' representative;
- Refusal to bargain;
- Engage in work stoppages, slowdowns, strikes or blacklist employer.

Impasse Procedures

Mediation: Either party may request or MLRB executive director may initiate; services of members of state's panel of mediators, to a maximum of three mediation days per case, available at no cost; thereafter costs shared equally by the parties.

Fact-Finding: Either party may request; MLRB appoints three-member panel; mediator may not be fact-finder; costs shared equally by the parties.

Arbitration: If no resolution within 45 days of fact-finding, either party may request arbitration; single or tripartite arbitration; award is due within 30 days; award is advisory as to salaries, pensions and insurance, binding on all other issues; costs of arbitration hearing and neutral arbitrator shared equally by the parties; services of State Board of Arbitration and Conciliation are available to the parties without cost.

Criteria for Arbitration Award:

- Interest and welfare of the public;
- Ability to pay;
- Comparison with other private or public sector employees doing similar work;
- Overall compensation;
- Other factors normally considered including Consumer Price Index;
- Need for qualified employees;
- Conditions of employment for similar positions outside the state government;
- Relationships between groups of employees;
- Need for fair and reasonable conditions in relation to job qualifications and responsibilities.

Strike Policy: Prohibited.

Notes:

- Contract duration may not exceed three years.
- Either party may publicize the parties' written initial proposals 10 days after both parties have made their initial proposal.
- No question concerning representation may be raised within one year of a certification or attempted certification.

Law 2

Coverage: All municipal employees, school and other district employees and Maine Turnpike Authority employees.

Authority: M.R.S.A. Title 26, Ch. 9-A, Sec. 961 et seq.

Exclusions: Elected or appointed officials; confidential employees whose duties relate to collective bargaining or labor relations matters (MLRB decision); department heads; superintendents or assistant superintendents of schools; persons employed for less than six months; temporary, seasonal or on-call employees.

Administrative Agency:
Maine Labor Relations Board (MLRB)
State Office Building
Augusta, ME 04333
(207) 289-2016

Unit Determination: Executive director in cases of dispute.

Criteria for Unit Determination:

- Insuring employees fullest freedom;
- Supervisors excluded from units, which include non-supervisory employees;
- Community of interest;
- Professionals must vote for inclusion in non-professional units.

Recognition: Exclusive; voluntary or by election. Employers have a duty to bargain.

Scope of Bargaining: Wages, hours, working conditions and grievance arbitration; teachers may meet and consult on educational policies, excluding merit system for appointments and promotions. School boards are not required to negotiate over educational policies.

Grievance Procedure: Arbitration permitted.

Employee Rights: To form, join and participate in labor organizations; present grievances.

Unfair Labor Practices:

Employer

- Interfere, restrain or coerce employees;
- Discriminate on account of labor organization membership or testimony;
- Dominate labor organizations;
- Refusal to bargain;
- Blacklist.

Labor Organization

- Interfere, restrain or coerce employees or employer's representative;
- Refusal to bargain;
- Engage in work stoppages, slowdowns, strikes or blacklist employer.

Impasse Procedures

Mediation: Either party may request, or MLRB executive director may initiate; services of members of state's panel of mediators, to a maximum of three mediation days per case, available at no cost; thereafter costs shared equally by the parties.

Fact-Finding: Either party may request; MLRB appoints three-member panel; mediator may not be fact-finder; costs shared equally by the parties,

Arbitration: If no resolution within 45 days of fact-finding, either party may request arbitration; single or tripartite arbitration, award is due within 30 days; award is advisory as to salaries, pensions and insurance, binding on all other issues; costs of arbitration hearing and neutral arbitrator shared equally by the parties; services of State Board of Arbitration and Conciliation are available to the parties with cost shared equally by the parties.

Strike Policy: Prohibited.

Notes:

- Contract duration may not exceed three years.
- Either party may publicize the parties' written initial proposals 10 days after both parties have made their initial proposal.

Law 3

Coverage: University of Maine employees, Maine Maritime Academy employees; vocational-technical institute employees; state schools for practical nursing employees.

Authority: 26 M.R.S.A., Ch 12, Sec. 1021 et seq.

Exclusions: Appointed officials; vice president, dean, director or member of chancellor's or superintendent's immediate staff; confidential employees whose duties relate to collective bargaining matters; probationary employees; classified employees of the vocational-technical institute, and schools for practical nursing.

Administrative Agency:

Maine Labor Relations Board
State Office Building
Augusta, ME 04333
(207) 289-2016

Unit Determination: Statute. The following are units structured on a University system-wide basis:

- Faculty;
- Professional and administrative staff;
- Clerical, office, laboratory and technical;
- Service and maintenance;
- Supervisory classified;
- Police.

The following are units for Maine Maritime Academy employees:

- Faculty;
- Administrative staff;
- Classified employees.

The following are units for vocational-technical institute and schools for practical nursing employees:

- Faculty and instructors;
- Administrative staff.

Criteria for Unit Determination:

- In case of dispute over placement in a unit, community of interest and work tasks are considered; additional units may be created by MLRB using criteria of community of interest, legislative desire to avoid over-fragmentation: and intent to give employees their full rights under the law. In technical institutes, supervisors, support services, institutional services, and police services each may constitute appropriate units.

Recognition: Exclusive; voluntary or by election

Scope of Bargaining: Wages, hours, working conditions and grievance arbitration, seniority provisions for teachers.

Grievance Procedure: Arbitration permitted.

Employee Rights: To join, form and participate in lab organizations

Union Security: Closed shop prohibited.

Unfair Labor Practices:

Employer

- Interfere, restrain or coerce employees;
- Discriminate on account of labor organization membership or testimony;
- Dominate labor organizations;
- Refusal to bargain;
- Blacklist.

Labor Organization

- Interfere, restrain or coerce employees or employer representative;
- Refusal to bargain;
- Engage in work stoppages, slowdowns, strike or blacklist: employer;
- Blacklist.

Impasse Procedures

Mediation: Either party may request or MLRB may initiate services of members of state's panel of mediators, to a maximum of three mediation days, available at no cost; thereafter costs share equally by the parties

Fact-Finding: Either party may request fact-finding panel from MLRB; three-member panel; mediator may not be a fact-finder; report may be made public after 30 days; costs shared equally by the parties.

Arbitration: Either or both parties may request MLRB for arbitration; single arbitrator or tripartite panel; award due within 60 days; award is advisory as to salaries, pensions and insurance, binding on all other issues; costs shared equally by the parties; services of State Board of Arbitration and Conciliation are available to the parties without cost.

Criteria for Arbitration Award:

- Interest and welfare of students and the public;
- Comparison with other private or public sector employees doing similar work;
- Overall compensation;
- Other factors normally considered;
- Need for qualified employees;
- Conditions of employment in similar positions;
- Need to maintain appropriate relationships between different occupations;
- Need to establish fair and reasonable conditions in relation to job qualifications and responsibilities.

Strike Policy: Prohibited.

Notes:

- Contract duration may not exceed three years.
- Panel of three students shall be allowed to meet and confer with parties prior to bargaining and at reasonable times with University bargaining team during the course of negotiations.
- Either party may publicize the parties' written initial proposals 10 days after both parties have made their initial proposals.

Law 4

Coverage: Employees of state judiciary.

Authority: 26 M.R.S.A., Ch 14, Sec. 1281 et seq.

Exclusions: Gubernatorial appointees, court administrators, confidential employees, division heads, law clerks, and anyone appointed for less than six months.

Administrative Agency:

Maine Labor Relations Board
State Office Building
Augusta, ME 04333
(207) 289-2016

Unit Determination: the parties may agree. If they cannot, the M.L.R.B. executive director will determine the appropriate unit.

Criteria for Unit Determination:

- In case of dispute over placement in a unit, community of interest and work tasks are considered;
- Additional units may be created by MLRB using criteria of community of interest.

Recognition: Exclusive; voluntary or by election

Scope of Bargaining: Wages, salaries, work schedules, vacation, sick leave, and overtime.

Grievance Procedure: Arbitration permitted.

Employee Rights: To join, form and participate in lab organizations

Union Security: Closed shop prohibited.

Unfair Labor Practices:

Employer

- Interfere, restrain or coerce employees;
- Discriminate on account of labor organization membership or testimony;
- Dominate or interfere with labor organizations;
- Discrimination on account of testimony;
- Refusal to bargain;
- Blacklist.

Labor Organization

- Interfere, restrain or coerce employees or employer representative;
- Refusal to bargain;
- Engage in work stoppages, slowdowns, strike or blacklist: employer;
- Blacklist.

Impasse Procedures

Mediation: Either party may request or MLRB may initiate services of members of state's panel of mediators, to a maximum of three mediation days, available at no cost; thereafter costs shared equally by the parties

Fact-Finding: Either party may request fact-finding panel from MLRB; three-member panel; mediator may not be a fact-finder; report may be made public after 30 days; costs shared equally by the parties.

Arbitration: Either or both parties may request MLRB for arbitration; single arbitrator or tripartite panel; award due within 60 days; award is advisory as to salaries, pensions and insurance, binding on all other issues; costs shared equally by the parties; services of State Board of Arbitration and Conciliation are available to the parties without cost.

Criteria for Arbitration Award:

- Interest and welfare of the public;
- Financial ability of state government;
- Comparison with other private or public sector employees doing similar work;
- Overall compensation;

- Other factors normally considered.

Strike Policy: Prohibited.

**Massachusetts
Public Sector
Labor Relations Law**

Summary: Massachusetts has one state bargaining law which covers public employees at all levels of government.

Law 1

Coverage: All public employees

Authority: M.G.L.A. Ch. 150E, Sec. 1 et seq.

Exclusions: Elected or appointed officials; members of boards and commissions; employer's representatives; managerial and confidential employees; members of militia and national guard; employees of the Commission; officers and employees of Departments of State Secretary, State Treasurer, State Auditor and Attorney General.

Administrative Agency:
Labor Relations Commission
1604 Saltonstall Building
100 Cambridge Street
Boston, MA 02202
(617)727-3505

Board of Conciliation and Arbitration
Saltonstall Building, Room 1005
100 Cambridge Street
Boston, MA 02202
(617) 727-3466

Unit Determination: LRC

Criteria for Unit Determination:

- Community of interest;
- Efficiency of operations and effective dealings;
- Rights of employees for effective representation;
- Professionals must vote for inclusion in non-professional units;
- No uniformed members of the fire department below the rank of chief may be classified as managerial, professional or confidential;
- For state police, appropriate unit is all ranks up to and including sergeant; others may be in own unit;
- For judicial employees, probation and court officers in one unit, non-managerial and non-confidential staff and clerical personnel in another unit;
- For metropolitan district commission police, appropriate unit is all ranks subordinate to captain;
- For state lottery commission, appropriate unit is all employees below rank of assistant director.

Recognition: Exclusive; voluntary or by election.

Scope of Bargaining: Wages, hours, standards of productivity and performance and other terms and conditions of employment.

Grievance Procedure: Arbitration permitted; if not in contract, may be ordered by LRC upon request of either party.

Employee Rights: To organize, form, join or assist labor organizations; engage in lawful concerted activities; refrain from doing so; present grievances.

Union Security: Dues deduction mandatory (Gen. Laws Ch. 180, Sec. 17A et seq.); agency shop permitted by election; service fee equal to membership dues; labor organization must establish procedure to rebate portion of service fee not germane to services as bargaining agent if requested by employee.

Unfair Labor Practices:

Employer

- Interfere, restrain or coerce employees;
- Dominate labor organizations;
- Discriminate on account of labor organization membership or testimony;
- Refusal to bargain in good faith;
- Refusal to participate in impasse procedure in good faith.

Labor Organization

- Interfere, restrain or coerce employees or employer's representative;
- Refusal to bargain in good faith;
- Refusal to participate in impasse procedure in good faith.

Impasse Procedures

Mediation: Either party may request mediation from Board of Conciliation and Arbitration or name their own mediator.

Fact-Finding: After 20 days of mediation, either party may request fact-finding from BCA or name their own fact-finder, fact-finder may mediate; report due within 30 days; made public after 10 days of issuance; parties may jointly agree to wave fact-finding and petition BCA for arbitration.

Arbitration: Voluntary, excluding police and fire fighters.

Strike Policy: Prohibited; enjoined; labor organization may be fined for illegal strike (Mass. Labor Relations Commission v. Boston Teachers Union Local 66 et al., (1978) Mass. S. Ct.). Any employee who engages in a strike shall be subject to discipline and discharge proceedings by the employer.

Notes:

- A Joint Labor-Management Committee for Police and Fire has oversight authority over any disputes involving municipal police and fire fighter labor disputes. They may take steps to resolve an impasse and may require arbitration.

- Contract duration may not exceed three years.
- Arbitration awards are binding on the parties and on the appropriate legislative body.

**New Hampshire
Public Sector
Labor relations Law**

Summary: New Hampshire has one state law that grants bargaining rights to public employees at all levels of government.

Law 1

Coverage: All public employees; dog and horse racing employees.

Authority: R.S.A. Ch. 273-A (all public employees); R.S.A. 273-C (race-track employees)

Exclusions: Elected or appointed officials; confidential employees; probationary or temporary employees.

Administrative Agency:

Public Employee Labor Relations Board (PELRB)
153 Manchester Street
Concord, NH 03301
(603) 271-2587

Unit Determination: PELRB

Criteria for Unit Determination:

- Community of interest;
- Same conditions of employment;
- History of bargaining;
- Same craft or profession;
- Employees within the same organizational unit;
- Minimum size of unit is 10 employees;
- Both professionals and non-professionals must vote for inclusion in the same unit;
- Supervisors may not be in a unit of employees whom they supervise.

Recognition: Exclusive; election requires 30 percent to petition.

Scope of Bargaining: Wages, hours and other conditions of employment, excluding merit system.

Grievance Procedure: Mandatory in all collective bargaining agreements; arbitration permitted.

Employee Rights: To organize and be represented by a labor organization; present grievances.

Management Rights: Functions, programs and methods of employer, including use of technology; employer's organizational structure and selection; direction and number of employees.

Unfair Labor Practices:

Employer

- Restrain, coerce or interfere with employees;
- Dominate labor organizations;
- Discriminate on account of labor organization membership or testimony;
- Refusal to bargain in good faith,
- Lockout;
- Failure to comply with statute;
- Adopt any law or regulation that would invalidate any part of agreement;
- Coerce or interfere with employees' or employer's representative, breach of contract.

Labor Organization

- Restrain, coerce or interfere with employees or employer's representative;
- Cause or attempt to cause employer to discriminate on account of membership;
- Refusal to bargain in good faith;
- Strike;
- Breach a collective bargaining agreement;
- Failure to comply with statute.

Impasse Procedures:

Mediation: Parties may request mediation at impasse or 60 days, or in the case of state employees 90 days, prior to budget submission date PELRB will initiate; costs shared equally by the parties.

Fact-Finding: Parties may request or may be initiated by PELRB 45 days, or in the case of state employees 75 days, prior to budget submission date; parties select neutral or PELRB appoints; report made public after 10 days; if report rejected by either one, report is then submitted to legislature which votes to accept or reject any part of the report; if still no resolution, negotiations may be reopened; costs shared equally by the parties.

Arbitration: Voluntary on non-cost items only.

Strike Policy: Prohibited; enjoined by court; employer may be awarded costs and legal fees at discretion of the court.

Notes:

- Statewide bargaining for state employees; unique terms and conditions to be bargained with individual units.
- Joint committee on employment relations has been created composed of key legislators. Joint committee shall meet with state negotiating team to discuss the state's objectives prior and during bargaining with state employees.

**New Jersey
Public sector
Labor Relations Law**

Summary: New Jersey has one law which grants bargaining rights to employees at all levels of government. This statute also covers private sector employees. A second law outlines the impasse procedure for police and fire fighters.

Law 1

Coverage: All public employees.

Authority: N.J.S.A. Title 34, Sec. 34:13A-1 et seq.

Exclusions: Elected officials; members of boards and commissions; managerial executives and confidential employees.

Administrative Agency:
Public Employment Relations Commission
429 East State Street
Trenton, NJ 08625-0429
(609)292-9830

Unit Determination: PERC in cases of dispute

Criteria for Unit Determination: Except where established practice, prior agreement or special circumstances dictate to the contrary:

- Supervisors may not be in non-supervisory units;
- Police may not join non-police organizations;
- Community of interest;
- Professionals may not be in same unit as non-professional unless majority of professionals vote for inclusion;
- Craft employees may not be in same unit as non-craft unless majority of craft employees vote for inclusion.

Recognition: Exclusive; voluntary or by election

Scope of Bargaining: Grievance procedure and terms and conditions of employment.

Grievance Procedure: Mandatory in all agreements; arbitration permitted.

Employee Rights: To form, join and assist labor organizations; refrain from doing so.

Union Security: Dues deduction mandatory; agency shop permitted; fair share fee limited to no more than 85 percent of dues; must provide for a procedure for rebate upon demand of any employee of the prorated share for activities or causes only incidentally related to terms and conditions of employment.

Unfair Labor Practices:

Employer

- Interfere restrain or coerce employees;
- Dominate labor organizations;
- Discriminate on account of membership or non-membership in a labor organization;
- Discriminate on account of testimony;
- Refusal to bargain or process grievances in good faith;
- Refusal to reduce agreement to writing and sign it;
- Violate PERC rules and regulations.

Labor Organization

- Interfere, restrain or coerce employees or employers representative;
- Refusal to bargain in good faith;
- Refusal to reduce agreement to writing and sign it;
- Violate PERC rules and regulations;
- Discriminate on account of membership or non-membership in a labor organization.

Impasse Procedures

Mediation: Either party may request; costs borne by PERC.

Fact-Finding: PERC may initiate or recommend fact-finding; single or tripartite; statute provides costs to be borne by PERC, however, recent appropriations require costs of hearing and neutral to be shared equally by the parties.

Arbitration: Voluntary; tripartite; costs of hearing and neutral shared equally by the parties.

Strikes: Permitted

Law 2

Coverage: Police and fire fighters.

Authority: Ch. 85, Sec. 34:13A-14 et seq.

Administrative Agency:

Public Employment Relations Commission
429 East State Street
Trenton, NJ 08625-0429
(609) 292-9830

Impasse Procedures

Mediation: Either party may request or PERC may initiate; costs borne by PERC.

Fact-Finding: Either party may request; costs borne by PERC.

Arbitration: Mandatory; prior to budget submission, parties must submit arbitration procedure mutually agreed upon to PERC for approval, or must use prescribed procedure.

Types of arbitration procedures that are allowable include, but not limited to:

- Conventional;
- Last offer by package;
- Last offer by issue;
- Last offer or fact-finder's recommendations by package;
- Last offer or fact-finder's recommendations by issue;
- Last offer on economic items as a package and last offer on non-economic items by issue.

Arbitration Procedure that may be imposed by PERC: If parties do not agree upon arbitration procedure 50 days prior to budget submission, parties submit disputed issues to PERC with reasons for lack of agreement on arbitration procedure.

Arbitration by single or tripartite panel on the basis of last best offer of employer or labor organization on economic items as a single package, and last best offer of employer or labor organization on non-economic issues on an issue-by-issue basis; arbitrator(s) may mediate; costs of hearing and neutral shared equally by the parties.

Criteria for Arbitration Award:

- Interest and welfare of public;
- Comparison of wages, hours and conditions of employment of employees performing same or similar work:
 - in public employment in same or comparable jurisdiction;
 - in comparable private employment;
 - in public and private employment in general;
- Overall compensation presently received;
- Stipulations of the parties;
- Lawful authority of the employer;
- Financial impact on governing unit and its residents and taxpayers;
- Cost of living;
- Continuity and stability of employment;
- Other factors normally considered.

New York State Public Employee Labor Relations Law

Summary: New York State has one bargaining law which covers public employees at all levels of government, except those employed by mayoral agencies in New York City. The law allows for local governments to adopt their own procedures for regulating public employee relations, provided that they are "substantially equivalent" to "The Taylor Act." This was done in New York City. Employees of the city's mayoral agencies are for the most part covered by the city's own bargaining law, which is included here along with the state law.

Law 1

Coverage: All public employees except those employed by mayoral agencies in New York City.

Authority: "The Taylor Act" Civil Service Law, Sec. 200 et seq.

Exclusions: Appointed officials; state militia; confidential and managerial employees; court system judges. In city of one million or more, police officers from rank of captain and up are designated to be managerial and confidential employees.

Administrative Agency:
Public Employment Relations Board
80 Wolf Road
Albany, NY 12205
(518) 457-2854

Unit Determination: PERB determines most appropriate unit.

Criteria for Unit Determination:

- Community of interest;
- Employer's recommendations on which jobs are similar;
- Unit must not interfere with joint responsibility of employer and employees to serve the public.

Recognition: Exclusive; voluntary or by election.

Scope of Bargaining: Wages, hours, grievance procedure and other terms and conditions of employment.

Employee Rights: To form, join and participate in labor organizations; refrain from doing so; be represented in negotiations or grievance administration.

Union Security: Dues deduction mandatory; agency shop mandatory for state bargaining units, permitted at local level; must provide for a procedure for rebate upon demand of any employee of the prorated share of expenditures for activities or causes only incidentally related to terms and conditions of employment.

Unfair Labor Practices:

Employer

- Interfere, restrain or coerce employees;
- Dominate labor organizations;
- Discriminate on account of membership in a labor organization;
- Refusal to bargain in good faith;
- Refusal to continue all the terms of an expired agreement if the employee organization strikes during negotiations;
- Utilize state funds to train management personnel on methods to discourage union organization.

Labor Organization

- Interfere, restrain or coerce employees;
- Cause or attempt to cause an employer to interfere, restrain or coerce employees;
- Refusal to bargain in good faith.

The PERB has powers to seek injunctive relief for the immediate cessation of an unfair labor practice, prior to a hearing if the charge on its face causes irreparable harm.

Impasse Procedure: Parties may establish their own impasse procedure, which may include arbitration; absent such agreement, the following procedure is implemented:

Mediation: Either party may request or PERB may initiate; cost borne by PERB.

Fact-Finding: Neutral panel of up to three members appointed by PERB; costs borne by PERB; in police and fire fighter disputes, parties go directly from mediation to arbitration.

Arbitration: Mandatory for local government police and fire fighters; tripartite panel; conventional arbitration; panel must specify basis for award; each party pays for its member, parties share costs of neutral chairperson; employees of the Metropolitan Transit Authority have similar provisions; Uniformed Employees Division of State Police have limited arbitration rights (prohibitions on scope include scheduling, disciplinary proceedings and overtime).

Other: If either side (except in police, fire fighter and school district negotiations) rejects the fact-finder's report, the legislative body holds a hearing and takes such action as may be necessary to end the impasse; legislative determination of terms effective for only one year (PERB 1976, Case #U-2149).

**New York City
Public Sector
Labor Relations Law**

Law 1

Coverage: All city employees except teachers and transit workers.

Authority: N.Y. City Charter Ch. 54; N.Y. Admin. Code, Sec. 1173-1.0 et seq.

Exclusions: Managerial and confidential employees.

Administrative Agency:
New York City Government
Office of Collective Bargaining (OCB)
40 Rector Street, 7th Floor
New York, NY 10006
(212) 618-8200

The OCB is composed of the Board of Certification and Board of Collective Bargaining.

Unit Determination: Board of Certification.

Criteria for Unit Determination:

- Community of interest; efficient operation of governmental agency; promotion of sound labor relations;
- Separate units for supervisory or professional employees unless majority vote for inclusion in non-supervisory or non-professional units;
- Police may not belong to labor organizations which include, or are affiliated with, directly or indirectly, non-police employees.

Recognition: Exclusive; by election or proof of majority by dues check off showing.

Scope of bargaining: Wages (including but not limited to wage rates, pensions, health and welfare benefits, uniform allowances and shift premiums); hours (including but not limited to overtime and leave benefits); working conditions; impact of items listed under management rights are subject to bargaining; city-wide, multi-union bargaining required where matters must be uniform for all employees of a mayoral agency or department.

Grievance procedure: Arbitration permitted.

Employee Rights: To organize, form, join or assist labor organizations and bargain collectively; refrain from doing so; present grievances.

Management Rights:

- Determine standards of service;
- Determine standards of selection for employment;
- Direct employees;
- Relieves employees due to lack of work;

- Take disciplinary action;
- Maintain efficient operations;
- Determine methods, means and personnel to deliver services;
- Determine job content;
- Take necessary actions in cases of emergency;
- Control organization and technology of performing work.

Union Security: Agency shop permitted; must provide for a procedure for rebate upon demand of any employee of the prorated share of expenditures for activities or causes only incidentally related to terms and conditions of employment.

Unfair Labor Practices:

Employer

- Interfere, restrain or coerce employees;
- Dominate labor organizations;
- Discriminate on account of membership in a labor organization;
- Refusal to bargain in good faith.

Labor Organization

- Interfere, restrain or coerce employees;
- Cause or attempt to cause employer to interfere, restrain or coerce employees;
- Refusal to bargain in good faith.

Impasse Procedures

Mediation: Either party may request or OCB may initiate; costs shared equally by the parties.

Fact-Finding: If OCB deems it appropriate or upon request of both parties, the director shall appoint an impasse panel; panel may mediate; if impasse not resolved, the panel must render a written report; costs shared equally by the parties.

Criteria for Impasse Panel Report:

- Comparison with other public and private sector employees;
- Overall compensation;
- Cost of living;
- Interest and welfare of public;
- Other factors normally considered.

Arbitration: Either party may reject any part of the impasse panel report; Board of Collective Bargaining (BCB) holds hearings to review report and may affirm or modify report after first determining whether recommended wage and fringe benefits are within the city's ability to pay; BCB's decision is binding; any provision of the BCB determination, which requires enactment of a law is not binding until legislative body enacts such a law; special proceedings provide for appellate division review of BCB threshold decision and other elements of award.

Other: Parties may agree on an impasse procedure including arbitration; questions, issues or disputes as to whether it is arbitrational or scope of bargaining shall be determined by BCB only.

Strike Policy: Prohibited; penalties determined by court upon petition of city; enjoined.

Notes:

- All collective bargaining agreements are subject to approval by the Financial Control Board (FCB) as result of the city's financial crisis. The BCB may order renegotiation of contracts which do no comply with its labor guidelines.

**Puerto Rico
Public Sector
Labor Relation Law**

Summary: The public sector labor relation law grants collective bargaining to employees of the central government.

Authority: Puerto Rico Public Service Labor Relations Act, Articles 1-16

Coverage: Employees with appointments to regular career positions of any agency of the central government may organize and be affiliated to labor organizations.

Exclusions: confidential employees, officials subject to legislative confirmation supervisors, commission employees, central office employees, employees of the Office of the Governor, employees of the Office of Management and Budget, employees of State Elections Commissions, police, national guard, Department of Justice, Office of Government Ethics.

Unit determination: Agreement of the parties; Public Service Labor Relations Commission.

Criteria for unit determination:

- Community of interest;
- Excessive fragmentation of units;
- Patterns of employee organization;
- Protection of rights;
- Functional similarity of work tasks.

Recognition: Exclusive, by vote

Scope of Bargaining: Salaries, fringe benefits, terms and conditions of employment; union shop.

Management Rights:

- Public policy;
- Decisions inherent to powers of governor, legislative assembly and government management;
- Merit principles, recruitment, selections, promotions, transfers, removal of personnel;
- Examinations of job applicants;
- Vacation/classification of positions;
- Direction/supervision of employees;
- Training;
- Administration of retirement/association benefits, contributions to medical plans;
- Assignment of tasks.

Employee rights: Organize and become affiliated with union organization, and to refrain from doing so.

Unfair Labor Practice:

Employer

- Intervene, coerce employees rights;
- Violate collective bargaining agreement;
- Refusal to comply with arbitration award;
- Refusal to comply with deadlock procedures;
- Discrimination on account of labor organization membership or testimony;
- Interfere or participate in the formation of labor organizations;
- Discourage employees from participating;
- Suspend benefit payments during negotiations;
- Failure to maintain neutral attitude during elections.

Labor Organization

Intervene, restrict employees in exercise of rights;
Refuse to bargain in good faith;
Violate collective bargaining agreement;
Failure to comply with arbitration awards;
Refusal to comply with deadlock procedures;
Induce agency to dismiss or discriminate.

Impass procedures

Conciliation and Arbitration Procedure: Either party may notify commission of deadlock in writing; commissioner will designate a conciliator. If dispute persists 30 days after conciliation, arbitration may be sought.

Arbitration: Single arbitrator. Arbitration opinions signed and sealed pursuant to law, and opinions may only be impugned for errors of law.

Strike Policy: Prohibited

Note:

- Collective bargaining agreement may not exceed three years.

**Rhode Island
Public Employee
Labor relations Laws**

Summary: Six different state laws grant collective bargaining to state employees, municipal employees, teachers, fire fighters, state police, and local police.

Law 1

Coverage: State employees.

Authority: RI. General Laws, Title 36, Ch. 11 §36-11-1 et seq.

Exclusions: State police having rank of lieutenant or higher, casual or seasonal employees

Administrative Agency:

State Labor Relations Board
220 Elmwood Avenue, Room 125
Providence, RI 02907
(401) 457-1820

Unit Determination: SLRB (RI. General Laws Title 28, Ch. 7)

Criteria for Unit Determination: Supervisors must be in separate units.

Recognition: Exclusive; voluntary or by election.

Scope of Bargaining: Wages, hours, other conditions of employment.

Employee Rights: To organize and choose a bargaining representative.

Union Security: Dues deduction and agency shop mandatory; service fees are to be equivalent to membership dues.

Unfair Labor Practices: Discriminate on account of membership in a labor organization.

Impasse Procedures

Fact-Finding: If no agreement within 30 days of bargaining, parties must submit disputed issues to SLRB; SLRB appoints a fact-finder; report due within 10 days.

Mediation: If the parties fail to reach an agreement within 30 days, either may request mediation; if no resolution within 90 days prior to budget appropriations, unresolved issues are submitted to director of SLRB for compulsory mediation.

Arbitration: Mandatory; all unresolved issues submitted to arbitration; single arbitrator; hearings concluded within 20 days; report issued within 10 days; award is advisory as to wages and binding on all other issues, costs of transcripts borne by the state; all other cost shared equally by the parties.

Criteria for Arbitration Awards:

- Comparison with public and private sector employees doing similar work in the region;
- Interest and welfare of the public;
- Peculiarities of employment such as hazards, qualifications, training and skills.

Strike Policy: Prohibited.

Notes:

- Contract duration may not exceed three years.
- A law was passed providing the State Labor Relations Board with the power to arbitrate labor disputes that do not originate before the Board.

Law 2

Coverage: Municipal employees

Authority: RI. General Laws, § 23-9 4 et seq.

Exclusions: Elected or administrative officials, members of commissions and boards; certified teachers; police, fire fighters, part-time employees and supervisors.

Administrative Agenc

State Labor Relations Board
220 Elmwood Avenue, Room 125
Providence, RI 02907
(401) 457-1820

Unit Determination: SLRB.

Recognition: Exclusive; by election; requires 20 percent to petition and 15 percent to intervene.

Scope of Bargaining: Hours, salaries, working conditions and all other terms and conditions of employment.

Grievance Procedure: Arbitration permitted.

Unfair Labor Practices:

Employer:

- To spy or keep surveillance on employees or their representatives;
- Blacklist;
- Dominate labor organizations;
- Discriminate on account of labor organization membership or testimony;
- Require employee, as a condition of employment, to join a "company union" or any other labor organization;
- Refusal to discuss grievances;
- Interfere, restrain or coerce employees;
- Refusal to bargain in good faith.

Labor Organization:

- Refusal to bargain in good faith.

Impasse Procedures

Mediation: Either party may request mediation and conciliation after 30 days of bargaining.

Arbitration: Voluntary; if mediation or conciliation fail or after 30 days of negotiations, either path may request arbitration; tripartite panel, hearing concluded within 20 days; award issued within 10 days; award is binding on all non-monetary issues; costs of arbitration shared equally by the parties.

Strike Policy: Prohibited.

Notes:

- Contract duration may not exceed three years.

Law 3

Coverage: State police.

Authority: RI. General Laws Ch. 311, Sec. 28-9. 5-1 et seq.

Administrative Agency:

State Labor Relations Board
220 Elmwood Avenue, Room 125
Providence, RI 02907
(401) 457-1820

Unit Determination: All full-time state police from rank of trooper up to and including the rank of sergeant.

Recognition: Exclusive; by election.

Scope of Bargaining: Wages, rates of pay, hours, working conditions and all other terms and conditions of employment.

Employee Rights: To organize, be represented and bargain collectively.

Impasse Procedures

Arbitration: Mandatory; all unresolved issues are submitted to arbitration after 30 days of bargaining; tripartite panel; hearing must be concluded within 20 days; award issued within 10 days; award binding on all issues; costs of arbitration shared equally by the parties.

Criteria for Arbitration Award:

- Comparison with building trades and industry in the state;
- Comparison with state police departments in other states;
- Interest and welfare of the public;
- Peculiar qualifications, training, skills and hazards.

Strike Policy: Prohibited.

Notes:

- Contract duration may not exceed three years.

Law 4

Coverage: Fire fighters.

Authority: RI. General Laws Ch. 149, Sec. 28-9.1-1 et seq.

Administrative Agency:

State Labor Relations Board
220 Elmwood Avenue, Room 125
Providence, RI 02907
(401) 457-1820

Unit Determination: All uniformed members and all employees of any paid fire department in any city or town.

Recognition: Exclusive; by election.

Scope of Bargaining: Wages, rates of pay, hours, working conditions and all other terms and conditions of employment.

Impasse Procedures

Arbitration: Mandatory; all unresolved issues are submitted to arbitration after 30 days of bargaining; tripartite panel; hearings must be concluded within 20 days; award issued within 10 days; award binding on all issues; costs of arbitration shared equally by the parties.

Criteria for Arbitration Award:

- Comparison with building trades and industry in the local area;
- Comparison with other employees with same or similar skills in the local area;
- Comparison with other fire departments in cities of comparable size;
- Interest and welfare of the public;
- Peculiar qualifications, skills, training and hazards of the job.

Strike Policy: Prohibited.

Notes:

- Contract duration may not exceed three years.

Law 5

Coverage: Police.

Authority: RI. General Laws Ch. 54, Sec. 28-9.2-I et seq.

Administrative Agency:
State Labor Relations Board
220 Elmwood Avenue, Room 125
Providence, RI 02907
(401) 457-1820

Unit Determination: All full-time police in any city or town.

Recognition: Exclusive; by election.

Scope of Bargaining: Wages, rates of pay, hours, working conditions and all other terms and conditions of employment.

Impasse Procedures

Arbitration: Mandatory; all unresolved issues are submitted to arbitration after 30 days of negotiations; tripartite panel; hearings must be concluded within 20 days; award issued within 10 days; award binding on all issues; costs of arbitration shared equally by the parties.

Strike Policy: Prohibited.

Notes:

- Contract duration may not exceed three years.

Law 6

Coverage: Teachers.

Authority: RI. General Law Ch. 146, Sec. 28-9.3-1 et seq.

Exclusions: Superintendents, assistant superintendents, principals, assistant principals and other supervisors above the rank of assistant principal.

Administrative Agency:
State Labor Relations Board
220 Elmwood Avenue, Room 125
Providence, RI 02907
(401) 457-1820

Unit Determination: All teachers in any city, town or school district.

Recognition: Exclusive; by election; requires 20 percent to petition and 15 percent to intervene.

Scope of Bargaining: Hours, salaries, working conditions and other terms and conditions of professional employment.

Union Security: Agency shop mandatory; service fees are to be equivalent to membership dues.

Unfair Labor Practices:**Employer**

- To spy or keep surveillance on representatives;
- Blacklist;
- Dominate labor organizations;
- Discriminate on account of membership or testimony;
- Require employee, as a condition of employment, to join a "company union" or any other labor organization;
- Refusal to discuss grievances;
- Interfere, restrain or coerce employees;
- Refusal to bargain in good faith.

Labor Organization:

- Refusal to bargain in good faith.

Impasse Procedures

Mediation: Either party may request if no agreement after 30 days of negotiations.

Arbitration: If mediation or conciliation fail or after 30 days of negotiations, either party may request arbitration; tripartite panel; hearings concluded within 20 days; award issued within 10 days; award binding on all non-monetary items; costs of arbitration shared equally by the parties.

Strike Policy: Prohibited.

Notes:

- Contract duration may not exceed three years.

**Vermont
Public Employee
Labor relations Laws**

Summary: Vermont has three state collective bargaining laws. One covers state employees; a second law provides bargaining to municipal employees; the third covers teachers; and the fourth law covers judiciary employees.

Law 1

Coverage: State employees, including state college and University of Vermont employees.

Authority: State Employees Labor Relations Act - 3 V.S.A. Ch. 27, Sec. 901 et seq.

Exclusions: Exempt or excluded employees under State Classified Service, Title 3, Sec. 311 (except state police in the Department of Public Safety); employees of the lieutenant governor, legal assistants to the attorney general; department heads and their deputies; managerial employees; private secretaries; employees of the personnel department; certain budget department employees; employees with a conflict of interest; confidential employees; legislative and judicial employees.

Administrative Agency:
Vermont Labor Relations Board
133 State Street
Montpelier, VT 05633-6101
(802) 828-2700

Unit Determination: VLRB determines appropriate unit.

Criteria for Unit Determination:

- Authority of employer to take positive action on matters subject to negotiation;
- Community of interest;
- Desires of employees;
- Avoidance of over-fragmentation;
- Extent of organization is not controlling;
- Supervisors must be in separate units.

Recognition: Exclusive; by election.

Scope of Bargaining: All matters relating to employer-employee relationships except those matters prescribed or controlled by statute. These include: wages, salaries and benefits, minimum hours, working conditions, overtime, leave, reduction-in-force procedures, grievance procedure, insurance programs, personnel rules, excluding classified service under Section 311 and merit system.

Grievance Procedure: VLRB prescribes procedure, conducts hearing and makes the final determination; non-members must pay service fee if using exclusive representative for grievance procedure and agency fee has not been negotiated.

Management Rights:

- Carry out statutory goals and mandates of agency;
- Utilize personnel, methods and means in most appropriate manner;
- Take necessary actions in cases of emergency.

Union Security: Agency shop may be negotiated.

Unfair Labor Practices:**Employer**

- Interfere, restrain or coerce employees;
- Dominate labor organizations;
- Discriminate on account of labor organization membership or testimony;
- Refusal to bargain;
- Discriminate on account of race, color, creed, sex or national origin;
- Boycott any other product or person by agreement with the labor organization;
- Requiring an applicant or employee to submit to an HIV test as a condition of employment, or to discriminate on basis of HIV status.

Labor Organization

- Restrain or coerce employees or employer's choice of representative;
- Cause or attempt to cause employer to discriminate;
- Refusal to bargain;
- Strike or boycott;
- Threaten, restrain, coerce or require employees to join a labor organization or participate in secondary boycotts or jurisdictional disputes;
- Cause or attempt to cause employer to pay for services not rendered;
- Picket for recognition;
- Engage in unlawful activities under Section 903 of the Act.

Impasse Procedures

Mediation: Either party may request mediator from VLRB.

Fact-Finding: Either party may request fact-finding from VLRB, tripartite panel; fact-finding panel may mediate; panel issues report; mutually incurred costs shared equally by the parties.

Criteria for Fact-Finding Report:

- Prevailing rate for comparable work within the state;
- Employees' needs and public's requirement for continuous service;
- Generally accepted safety standards and working conditions within the state.

Other: If impasse continues after 15 days of issuance of fact-finding report, each party shall submit its last offer as a single package to VLRB; VLRB shall select between the last offers within 30 days and make recommendations to the General Assembly, these recommendations become effective subject to appropriations; General Assembly may enact laws amending provisions of any collective bargaining agreement.

Strike Policy: Prohibited.

Contract duration: May not exceed two years (except higher education).

Law 2

Coverage: Municipal employees and non-teaching public school employees.

Authority: Vermont Municipal Employee Labor Relations Act - 21 V.S.A. Ch. 22, Sec. 1721 et seq.

Exclusions: Elected officials; members of boards and commissions; executive officers; supervisors; probationary; confidential employees; certified employees of school districts.

Administrative Agency:

Vermont Labor Relations Board
133 State Street
Montpelier, Vermont 05633-6101
(802) 828-2700

Unit Determination: VLRB in cases of dispute.

Criteria for Unit Determination:

- Community of interest;
- Majority of professionals must vote for inclusion in nonprofessional unit;
- Avoidance of over-fragmentation;
- Extent of organization is not controlling;
- Desires of employees.

Recognition: Exclusive; voluntary or by election.

Scope of Bargaining: Wages, hours and conditions of employment, excluding managerial prerogatives.

Grievance Procedure: Arbitration permitted.

Union Security: Agency and union shops permitted.

Unfair Labor Practices:

Employer:

- Interfere, restrain or coerce employees;
- Dominate labor organizations;
- Discriminate on account of labor organization membership or testimony;
- Refusal to bargain in good faith;
- Refusal to appropriate sufficient funds to implement an agreement,
- Discriminate against employee for non-payment of service fee or for non-membership if:
 - membership is not available uniformly;
 - membership is denied for reasons other than nonpayment of initiation fees.

Labor Organization:

- Restrain or coerce employees or employer's representative;
- Cause or attempt to cause employer to discriminate;
- Refusal to represent all employees;

- Refusal to bargain in good faith;
- Strike or boycott;
- Charge excessive initiation fees;
- Cause employer to pay for services not rendered;
- Picket for recognition;
- Discriminate against employee for non-payment of service fee or for non-membership if:
 - membership is not available uniformly;
 - membership is denied for reasons other than non-payment of dues or initiation fees.

Impasse Procedures:

Mediation: Either party may petition or Commissioner of Labor and Industry may initiate mediation; Commissioner may act as mediator or appoint one; costs shared equally by the parties. The Vermont Commissioner of Labor and Industry is given 30 days to either appoint a mediator or serve as a mediator to resolve an impasse in negotiations, upon petition by the parties.

Fact-Finding: Either party may request fact-finding after 15 days of mediation; fact-finder may mediate; report due within 30 days of conclusion of hearings; costs shared equally by the parties.

Criteria for Fact-Finding:

- Lawful authority of the employer;
- Stipulations of the parties;
- Interest and welfare of the public;
- Ability to pay;
- Comparison with public and private sector employees doing similar work in comparable communities;
- Cost of living;
- Overall compensation.

Arbitration: Voluntary unless made compulsory by referendum; initiated 20 days after fact-finder's report made public; tripartite panel; award due within 30 days. If the municipality has voted to adopt binding arbitration, the parties are permitted to proceed directly from mediation to binding arbitration without fact-finding.

Criteria for Arbitration Award: Same as criteria for fact-finding.

Strike Policy: Limited right to strike; prohibited in cases where it:

- Occurs within 30 days of issuance of fact-finder's report;
- Occurs after parties have agreed to arbitration or award has been issued;
- Endangers public health, safety and welfare.

Notes:

- An employer may seek injunction for strikes in violation of limitations.
- Fact-finding hearing shall be open to the public at the request of any party.

Law 3

Coverage: Teachers and administrators.

Authority: Labor Relations for Teachers Act - 16 V.S.A. Ch. 57, Sec. 1981 et seq.

Exclusions: Superintendent and assistant superintendent.

Unit Determination: If disputed, unit limited to all teachers in school district.

Criteria for Unit Determination: Principals, assistant principals and administrators may join administrators' labor organization or form a separate unit of any teachers' organization.

Recognition: Exclusive; voluntary or by election.

Scope of Bargaining: Salaries, related economic conditions of employment, procedures of processing complaints and grievances and any mutually agreed upon matters not in conflict with statutes and laws of Vermont.

Unfair Labor Practices: As described in Municipal Employees Act (Sec. 1726-1729).

Impasse Procedures

Mediation: Upon mutual agreement of the parties, costs shared equally by the parties.

Fact-Finding: Either party may request fact-finding if mediation fails or is not requested; tripartite panel; report due within 30 days of panel appointment; made public within 10 days of issuance; cost shared equally by the parties.

Arbitration: Voluntary by agreement of both parties in writing; single arbitrator; arbitration decision within 90 days of appointment of arbitrator or mutually agreed upon time.

Strike Policy: If arbitration not involved right to strike and employer imposition of final offer exist generally upon completion of dispute resolution procedures.

Law 4

Coverage: Judiciary employees

Authority: 3 V.S.A. Ch. 2.8 §1010 et seq.

Exclusions: Justices, judges, magistrates hearing officer, court administrators, law clerks, attorneys, private secretaries, temporary employees, department heads, register of probate.

Scope of Bargaining: Wages, salaries, benefits reimbursement practices, minimum hours, working conditions, overtime and leave compensation, reduction in force, grievance procedure, insurance coverage and employee contribution to insurance program.

Management Rights: - carry out statutory mandate; utilize personnel methods and means most appropriately; take necessary action in emergency.

Unfair labor practices:

Employer

- Interfere, restrain or coerce employee rights;
- Dominate/interfere with employee organization;
- Discriminate in hire, tenure or discharge;
- Refuse to bargain;
- Require HIV test as condition of employment or to otherwise discriminate on the basis of positive HIV test result.

Labor Organization

- Restrain/coerce employees in exercise of rights;
- Cause employer to discriminate;
- Refuse to bargain;
- Encourage a strike or picketing.

Unit Determination – Vermont Labor Relations Board

Grievance Procedure — Collective bargaining agreement may provide for a grievance procedure culminating in binding arbitration.

Impasse Procedures:

Mediation: Upon impasse, either party may petition the board for mediation. Board will appoint one mediator if after 15 days of mediation the dispute persists, the mediator shall certify impasse to board.

Fact-Finding: Either party may request the board to appoint a fact finder mutually agreed upon by both parties. Upon completion of hearings, fact finder shall file written report to both parties. Cost shared equally by parties. Factors to be considered by fact finder:

- wages, salary schedules and employee benefits;
- employee needs and general public concerns;
- working conditions, safety standards

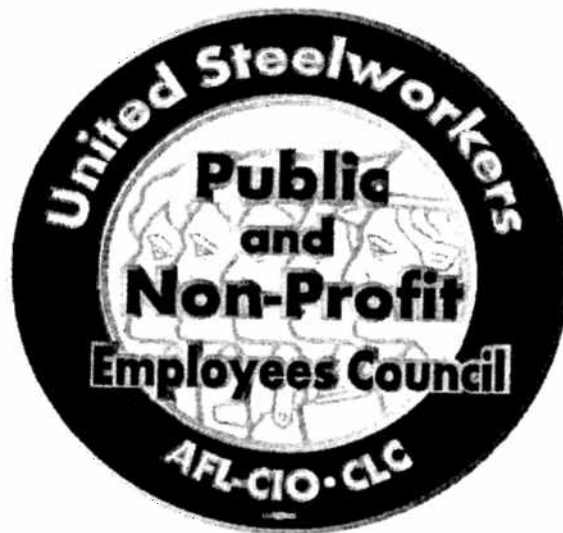
Strike policy: Prohibited

Notes:

- Collective bargaining agreements shall not exceed two years.

Public and Non-Profit Employees Council

“The Council assists in coordinating education, training and research work in the public and other non-profit sectors of our Union, focusing on collective bargaining, organizing, training and political action.”



Collective Bargaining and Arbitration Services

District 4 - Public Sector Labor Relations Laws
2006

