

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred House Bill No. 76 entitled
3 “An act relating to the requirement of mandatory binding arbitration and to the
4 elimination of strikes and imposed contracts in connection with collective
5 bargaining for teachers’ and school administrators’ contracts” respectfully
6 reports that it has considered the same and recommends that the bill be
7 amended by striking out all after the enacting clause and inserting in lieu
8 thereof the following:

9 Sec. 1. 16 V.S.A. § 2011 is added to read:

10 § 2011. STRIKES AND CONTRACT IMPOSITION PROHIBITED

11 (a) A strike, which shall have the same meaning as provided in 21 V.S.A.
12 § 1722(16), shall be prohibited.

13 (b) The imposition of contractual terms by the school board shall be
14 prohibited.

15 Sec. 2. 16 V.S.A. § 2005 is amended to read:

16 § 2005. WRITTEN AGREEMENT

17 (a) The negotiations councils for the school board and the teachers’ or
18 administrators’ organization shall enter into a written agreement or agreements
19 incorporating therein matters agreed to in negotiation.

20 (b)(1) In the event the negotiations council for the school board and the
21 negotiations council for the teachers’ or administrators’ organization are

1 unable to arrive at an agreement before the date of the annual school district
2 meeting, the existing agreement shall remain in force for the next fiscal year.

3 (2) Wages and benefits shall continue at levels and amounts provided
4 pursuant to the existing agreement, including, if applicable, any annual wage
5 step increase provided in the existing agreement. In addition, notwithstanding
6 any provision of the existing agreement to the contrary, the base wage rate in
7 effect on the expiration date of the existing agreement shall increase by a cost
8 of living adjustment equal to the most recent New England Economic
9 Partnership Cumulative Price Index.

10 Sec. 3. 16 V.S.A. § 2010 is amended to read:

11 § 2010. INJUNCTIONS

12 ~~No restraining order or temporary or permanent injunction shall be granted~~
13 ~~in any case brought with respect to any action taken by a representative~~
14 ~~organization or an official thereof or by a school board or representative~~
15 ~~thereof in connection with or relating to pending or future negotiations, except~~
16 ~~on the basis of findings of fact made by a court of competent jurisdiction after~~
17 ~~due hearing prior to the issuance of the restraining order or injunction that the~~
18 ~~commencement or continuance of the action poses a clear and present danger~~
19 ~~to a sound program of school education that in the light of all relevant~~
20 ~~circumstances it is in the best public interest to prevent. Any restraining order~~
21 ~~or injunction issued by a court as herein provided shall prohibit only a specific~~

1 ~~act or acts expressly determined in the findings of fact to pose a clear and~~
2 ~~present danger.~~ Upon application by either party, a Superior Court may issue a
3 temporary restraining order or other injunctive relief and may award costs,
4 including reasonable attorney's fees, in connection with any action taken by a
5 representative organization, its officials, or its members or by a school board or
6 its representative in relation to pending or future negotiations that is in
7 violation of this chapter.

8 Sec. 4. 16 V.S.A. § 2028 is redesignated to read:

9 § ~~2028~~ 2012. CONTRACT RATIFICATION ANNUAL VOTE

10 Sec. 5. 16 V.S.A. § 2008 is amended to read:

11 § 2008. ~~FINALITY OF DECISIONS~~

12 ~~All decisions of the school board regarding matters in dispute in~~
13 ~~negotiations shall, after full compliance with this chapter, be final. [Repealed.]~~

14 Sec. 6. 16 V.S.A. § 2021 is amended to read:

15 § 2021. NEGOTIATED BINDING INTEREST ARBITRATION

16 * * *

17 (c) ~~A strike, which shall have the same meaning as provided in 21 V.S.A.~~
18 ~~§ 1722(16), shall be prohibited if it occurs after both parties have voluntarily~~
19 ~~submitted a dispute to final and binding arbitration or after a decision or award~~
20 ~~has been issued by the arbitrator. A school board may petition for an~~
21 ~~injunction or other appropriate relief from the Superior Court within the county~~

1 ~~wherein such strike in violation of this section is occurring or is about to occur.~~

2 [Repealed.]

3 * * *

4 Sec. 7. EFFECTIVE DATE

5 This act shall take effect on July 1, 2015, and apply to negotiations
6 beginning on or after that date for collective bargaining agreements for fiscal
7 year 2017 and after.

8

9 and that after passage the title of the bill be amended to read: “An act relating
10 to the prohibition of strikes and contract imposition in connection with
11 collective bargaining for teachers’ and school administrators””

12

13 (Committee vote: _____)

14

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Representative _____

16

FOR THE COMMITTEE