

**2019 -- H 5437 SUBSTITUTE A**

=====  
LC001501/SUB A/3  
=====

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2019**

—————  
A N A C T

RELATING TO LABOR AND LABOR RELATIONS - ARBITRATION - CONTINUANCE  
OF CONTRACTUAL PROVISIONS

Introduced By: Representatives Vella-Wilkinson, O'Brien, Serpa, Morin, and Millea

Date Introduced: February 14, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 28-9.3-12 of the General Laws in Chapter 28-9.3 entitled "Certified  
2 School Teachers' Arbitration" is hereby amended to read as follows:

3           **28-9.3-12. Appeal from decision.**

4           While the parties are engaged in negotiations and/or utilizing the dispute resolution  
5 process as required in § 28-9.3-9, all terms and conditions in the collective bargaining agreement  
6 shall remain in effect. The decision of the arbitrators shall be made public and shall be binding on  
7 the certified public school teachers and their representative and the school committee on all  
8 matters not involving the expenditure of money. Should either party reject the non-binding  
9 matters in the decision of the arbitrators, the binding matters shall be implemented. Following the  
10 conclusion of the dispute resolution process as required in § 28-9.3-9, should the parties still be  
11 unable to reach agreement, all contractual provisions related to wages and benefits contained in  
12 the collective bargaining agreement, except for any contractual provisions that limit layoffs, shall  
13 continue as agreed to in the expired collective bargaining agreement until such time as a  
14 successor agreement has been reached between the parties.;~~provided, that nothing~~ Nothing  
15 contained in this section shall prevent the representative of the certified public school teachers  
16 and the school committee from mutually agreeing to submit all unresolved issues to binding  
17 arbitration pursuant to the procedures set forth in §§ 28-9.3-10 -- 28-9.3-12. In that case the  
18 decision of the arbitrators shall be final and binding on all matters so submitted, including those

1 involving the expenditure of money, and cannot be appealed except on the ground that the  
2 decision was procured by fraud or that it violates the law, in which case appeals shall be to the  
3 superior court. The school committee shall within three (3) days after it receives the decision send  
4 a true copy of the decision by certified or registered mail postage prepaid to the department or  
5 agency which appropriates money for the operation of the schools in the city, town, or regional  
6 school district involved, if decision involves the expenditure of money.

7 SECTION 2. Section 28-9.4-13 of the General Laws in Chapter 28-9.4 entitled  
8 "Municipal Employees' Arbitration" is hereby amended to read as follows:

9 **28-9.4-13. Appeal from decision.**

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

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

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

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

=====  
LC001501/SUB A/3  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LABOR AND LABOR RELATIONS - ARBITRATION - CONTINUANCE  
OF CONTRACTUAL PROVISIONS

\*\*\*

1           This act would provide that all terms and conditions in a school teachers' collective  
2 bargaining agreement as well as a municipal employees' collective bargaining agreement shall  
3 remain in effect while the parties are engaged in negotiations and/or certain dispute resolution  
4 processes and would provide that contractual provisions related to wages and benefits, excluding  
5 those that limit layoffs, would continue as agreed to, despite the lack of an agreement following  
6 mediation or arbitration until a successor agreement is reached.

7           This act would take effect upon passage.

=====  
LC001501/SUB A/3  
=====