

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO LABOR -- ORGANIZATION OF STATE EMPLOYEES

Introduced By: Senator Michael J. McCaffrey

Date Introduced: May 07, 2021

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 36-11-9 of the General Laws in Chapter 36-11 entitled "Organization
2 of State Employees" is hereby amended to read as follows:

3 **36-11-9. Binding arbitration -- Procedure.**

4 (a) All issues remaining in dispute after the procedures for voluntary resolution of issues
5 provided in § 36-11-8 are exhausted shall be referred to final and binding arbitration and decision.
6 An arbitrator shall be selected within fifteen (15) days from lists of certified arbitrators submitted
7 by and in accordance with the rule of the American Arbitration Association, provided, however,
8 that all names so submitted shall be of Rhode Island residents.

9 (b) The arbitrator shall call a hearing to be held within ten (10) days of his or her
10 appointment and shall give at least seven (7) days written notice in writing to the bargaining agent
11 and chief executive of the time and place of the hearing. The hearing shall be informal, and the
12 rules of evidence prevailing in judicial proceedings shall not be binding; provided, however, that a
13 stenographic record of the proceedings shall be kept and transcribed. Any and all documentary
14 evidence and other data deemed relevant by the arbitrator may be received in evidence. The
15 arbitrator shall have the power to administer oaths and to require by subpoena the attendance and
16 testimony of witnesses, the production of books, records, and other evidence relative or pertinent
17 to the issues presented to them for determination.

18 (c) The hearing conducted by the arbitrator shall be concluded within twenty (20) days of
19 the time of commencement, and, within ten (10) days after the conclusion of the hearings, the

1 arbitrator shall make written findings and a written opinion upon the issues presented, a copy of
2 which shall be mailed or otherwise delivered to the bargaining agent or its attorney or other
3 designated representative and the chief executive. The decision of the arbitrator shall be binding
4 upon both the bargaining agent and the chief executive as to all issues and matters other than an
5 issue which involves wages and as to that issue, the decision shall be advisory in nature.

6 (d) While the parties are engaged in negotiations and/or utilizing the dispute resolution
7 process as required in §§ 36-11-7.1, 36-11-8, and subsections (a) through (c) of this section, all
8 terms and conditions in the collective bargaining agreement shall remain in effect. Should either
9 party reject the advisory matters in the decision of the arbitrator, the binding matters shall be
10 implemented. Following the conclusion of the dispute resolution process as required in subsections
11 (a) through (c) of this section, should the parties still be unable to reach agreement, all contractual
12 provisions related to wages contained in the collective bargaining agreement shall continue as
13 agreed to in the expired collective bargaining agreement until such time as a successor agreement
14 has been reached between the parties.

15 SECTION 2. 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 -- ORGANIZATION OF STATE EMPLOYEES

1 This act would require that if state employee unions are engaged in contract negotiations
2 and/or utilizing the dispute resolution process to adopt a successor contract, all the terms and
3 conditions in the existing collective bargaining agreement shall continue to remain in effect, even
4 after its expiration.

5 This act would take effect upon passage.

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