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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS

Introduced By: Representative K. Joseph Shekarchi

Date Introduced: April 27, 2017

Referred To: House Labor

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-9-7 of the General Laws in Chapter 28-9 entitled "Arbitration of
2 Labor Controversies" is hereby amended to read as follows:

3 **28-9-7. Selection of arbitrators.**

4 If in the contract for arbitration or in the submission, provision is made for a method of
5 naming or appointing an arbitrator or arbitrators or an umpire, that method shall be followed, but
6 if no method is provided in the contract, ~~. The the~~ parties to the contract or submission shall agree
7 to the method of naming or appointing an arbitrator or arbitrators or an umpire. If the parties fail
8 to agree, then the director of labor and training, upon application of either of the parties after due
9 notice to the other party, shall appoint either a retired Rhode Island judge or magistrate as an
10 arbitrator to hear the dispute.

11 SECTION 2. Section 28-9.1-8 of the General Laws in Chapter 28-9.1 entitled
12 "Firefighters' Arbitration" is hereby amended to read as follows:

13 **28-9.1-8. Arbitration board -- Composition.**

14 Within five (5) days from the expiration of the thirty (30) day period referred to in § 28-
15 9.1-7, the bargaining agent and the corporate authorities shall each select and name one arbitrator
16 and subsequently shall immediately notify each other in writing of the name and address of the
17 person selected. The two (2) arbitrators so selected and named shall, within ten (10) days from
18 and after the expiration of the five (5) day period mentioned in this section agree upon and select
19 and name a third arbitrator. If, on the expiration of the period allowed, the arbitrators are unable

1 to agree upon the selection of a third arbitrator, the third arbitrator shall be selected [by the](#)
2 [director of the department of labor and training and they shall make the selection of either a](#)
3 [retired Rhode Island judge or magistrate](#) ~~in accordance with the rules and procedures of the~~
4 ~~American Arbitration Association~~. The third arbitrator, whether selected as a result of agreement
5 between the two (2) arbitrators previously selected or selected by the ~~American Arbitration~~
6 ~~Association~~ [director of the department of labor and training](#), shall act as chair of the arbitration
7 board.

8 SECTION 3. Section 28-9.2-8 of the General Laws in Chapter 28-9.2 entitled "Municipal
9 Police Arbitration" is hereby amended to read as follows:

10 **28-9.2-8. Arbitration board -- Composition.**

11 Within five (5) days from the expiration of the thirty (30) day period referred to in § 28-
12 9.2-7, the bargaining agent and the corporate authorities shall each select and name one arbitrator
13 and shall immediately thereafter notify each other in writing of the name and address of the
14 person so selected. The two (2) arbitrators so selected and named shall, within ten (10) days from
15 and after the expiration of the five (5) day period mentioned in this section, agree upon and select
16 and name a third arbitrator. If, on the expiration of the period allowed, the arbitrators are unable
17 to agree upon the selection of a third arbitrator, the third arbitrator shall be selected [by the](#)
18 [director of the department of labor and training and they shall make the selection of either a](#)
19 [retired Rhode Island judge or magistrate](#) ~~in accordance with the rules and procedures of the~~
20 ~~American Arbitration Association~~. The third arbitrator, whether selected as a result of agreement
21 between the two (2) arbitrators previously selected or selected by the ~~American Arbitration~~
22 ~~Association~~ [director of the department of labor and training](#), shall act as chairperson of the
23 arbitration board.

24 SECTION 4. Section 28-9.3-10 of the General Laws in Chapter 28-9.3 entitled "Certified
25 School Teachers' Arbitration" is hereby amended to read as follows:

26 **28-9.3-10. Arbitration board -- Composition.**

27 (a) Within seven (7) days after arbitration has been requested as provided in § 28-9.3-9,
28 the negotiating or bargaining agent and the school committee shall each select and name one
29 arbitrator and shall immediately notify each other in writing of the name and address of the
30 person so selected. The two (2) arbitrators selected and named shall, within ten (10) days from
31 and after their selection, agree upon and select and name a third arbitrator. If within the ten (10)
32 days the arbitrators are unable to agree upon the selection of a third arbitrator, the third arbitrator
33 shall be selected [by the director of the department of labor and training and they shall make the](#)
34 [selection of either a retired Rhode Island judge or magistrate](#) ~~in accordance with the rules and~~

1 ~~procedure of the American Arbitration Association.~~

2 (b) ~~If the~~ The negotiating or bargaining agent ~~agrees~~ may agree with the school
3 committee to a different method of selecting arbitrators, or to a lesser or greater number of
4 arbitrators, ~~, or to any particular arbitrator, or if they agree to have the board of regents for~~
5 ~~elementary and secondary education designate the arbitrator or arbitrators to conduct the~~
6 ~~arbitration, the agreement shall govern the selection of arbitrators. However, if the board of~~
7 ~~regents for elementary and secondary education is unwilling or fails to designate the arbitrator or~~
8 ~~arbitrators, an alternative method of selection shall be used.~~

9 (c) The third arbitrator, whether selected as a result of agreement between the two (2)
10 previously selected arbitrators, or selected ~~under the rules of the American Arbitration~~
11 ~~Association, or by the board of regents for elementary and secondary education~~ by the director of
12 the department of labor and training, or by any other method, shall act as chairperson.

13 SECTION 5. Section 28-9.4-11 of the General Laws in Chapter 28-9.4 entitled
14 "Municipal Employees' Arbitration" is hereby amended to read as follows:

15 **28-9.4-11. Arbitration board -- Composition.**

16 (a) Within seven (7) days after arbitration has been requested as provided in § 28-9.4-10,
17 the negotiating agent and the municipal employer shall each select and name one arbitrator and
18 shall immediately thereafter notify each other, in writing, of the name and address of the person
19 selected.

20 (b) The two (2) arbitrators selected and named shall within ten (10) days from and after
21 their selection agree upon and select and name a third arbitrator. If within the ten (10) days the
22 arbitrators are unable to agree upon the selection of a third arbitrator, the third arbitrator shall be
23 selected by the director of the department of labor and training and they shall make the selection
24 of either a retired Rhode Island judge or magistrate ~~in accordance with the rules and procedure of~~
25 ~~the American Arbitration Association.~~

26 (c) If the negotiating or bargaining agent agrees with the municipal employer to a
27 different method of selecting arbitrators, or to a lesser or greater number of arbitrators, or to any
28 particular arbitrator, or if they agree to have the state director of labor and training designate the
29 arbitrator or arbitrators to conduct the arbitration, the agreement shall govern the selection of
30 arbitrators; provided, that if the state director of labor and training is unwilling or fails to
31 designate the arbitrator or arbitrators, an alternative method of selection shall be used.

32 (d) The third arbitrator, whether selected as a result of agreement between the two (2)
33 previously selected arbitrators, or selected ~~under the rules of the American Arbitration~~
34 ~~Association~~ director of the department of labor and training, or by the state director of labor and

1 training or by any other method, shall act as chairperson.

2 SECTION 6. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LABOR AND LABOR RELATIONS

1 This act would replace the American Arbitration Association, as the selector of labor
2 arbitrators, in non-grievance contract matters, with the director of the department of labor and
3 training. The director shall select retired Rhode Island judges and magistrates for firefighter,
4 police, teacher and municipal employee matters.

5 This act would take effect upon passage.

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