

2018 -- H 7796

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - SELECTION OF ARBITRATORS

Introduced By: Representatives Shekarchi, Lima, and Nunes

Date Introduced: February 28, 2018

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 an arbitrator to hear the dispute.

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

12          **28-9.1-8. Arbitration board -- Composition.**

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

1 [director of the department of labor and training and they shall make the selection of a retired](#)  
2 [Rhode Island judge, a retired Rhode Island magistrate, or a member of the Rhode Island bar](#)  
3 [association](#) ~~in accordance with the rules and procedures of the American Arbitration Association.~~

4 The third arbitrator, whether selected as a result of agreement between the two (2) arbitrators  
5 previously selected or selected by the ~~American Arbitration Association~~ [director of the](#)  
6 [department of labor and training](#), shall act as chair of the arbitration board.

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

9 **28-9.2-8. Arbitration board -- Composition.**

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

20 The third arbitrator, whether selected as a result of agreement between the two (2) arbitrators  
21 previously selected or selected by the American Arbitration Association [director of the](#)  
22 [department of labor and training](#), shall act as chairperson of the arbitration board.

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

25 **28-9.3-10. Arbitration board -- Composition.**

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

1 ~~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 a retired Rhode Island judge, a retired Rhode Island magistrate, or a member of the Rhode  
25 Island bar association ~~in accordance with the rules and procedure of the American Arbitration~~  
26 ~~Association.~~

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

33 (d) The third arbitrator, whether selected as a result of agreement between the two (2)  
34 previously selected arbitrators, or selected ~~under the rules of the American Arbitration~~

1 ~~Association, or~~ by the state director of labor and training or by any other method, shall act as  
2 chairperson.

3 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 - SELECTION OF ARBITRATORS

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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's selection would be limited to retired Rhode Island judges, retired Rhode  
4 Island magistrates, or members of the Rhode Island bar association for firefighter, police, teacher  
5 and municipal employee matters.

6           This act would take effect upon passage.

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