

2021 -- S 0548

LC002141

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- LABOR RELATIONS ACT

Introduced By: Senators Bell, Goodwin, Kallman, Ciccone, and Mack

Date Introduced: March 04, 2021

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-7-45 of the General Laws in Chapter 28-7 entitled "Labor
2 Relations Act" is hereby amended to read as follows:

3 **28-7-45. Employees exempt from chapter.**

4 (a) The provisions of this chapter shall not apply: (1) to the employees of any employer
5 who concedes to and agrees with the board that the employees are subject to and protected by the
6 provisions of the National Labor Management Relations Act, 29 U.S.C. § 141 et seq., or the federal
7 Railway Labor Act, 45 U.S.C. § 151 et seq.; (2) except as provided in Chapter 11 of title 36 as to
8 employees of the state; (3) except as provided in chapter 9.4 of this title as to employees of any
9 political or civil subdivision or other agency thereof; (4) except "firefighters" as defined in chapter
10 9.1 of this title and "police officers" as defined in chapter 9.2 of this title; or (5) except "school
11 teachers" as defined in chapter 9.3 of this title; provided, that in the case of firefighters, police
12 officers, and health care provider employees, including those of hospitals, nursing homes,
13 ambulatory care centers, and orphanages, the provisions of this chapter shall apply, but nothing
14 contained in this chapter shall be deemed in any manner to grant to any firefighters; or police
15 officers ~~or health care provider employees, including those of hospitals, nursing homes, ambulatory~~
16 ~~care centers, and orphanages~~, the right to engage in any strike. Any strike by any firefighters; or
17 police officers ~~or health care provider employees, including those of hospitals, nursing homes,~~
18 ~~ambulatory care centers, and orphanages~~, shall be illegal.

19 (b) When an impasse is reached by an employer and a union representing health care

1 provider employees, including those of hospitals, nursing homes, ambulatory care centers, and
2 orphanages, the mediation services of the department of labor and training shall be utilized for
3 mediation and fact finding. If the issues remain unresolved, then the parties shall proceed to
4 arbitration in accordance with the rules of the American Arbitration Association.

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

7 **28-9.3-1. Declaration of policy -- Purpose.**

8 (a) In pursuance of the duty imposed upon it by the constitution to promote public schools
9 and to adopt all means necessary and proper to secure to the people the advantages and
10 opportunities of education, the general assembly declares that it recognizes teaching as a profession
11 which requires special educational qualifications and that to achieve high quality education it is
12 indispensable that good relations exist between teaching personnel and school committees.

13 (b) It is declared to be the public policy of this state to accord to certified public school
14 teachers the right to organize, to be represented, to negotiate professionally, to strike, and to bargain
15 on a collective basis with school committees covering hours, salary, working conditions, and other
16 terms of professional employment; ~~provided, that nothing contained in this chapter shall be~~
17 ~~construed to accord to certified public school teachers the right to strike.~~

18 SECTION 3. Sections 28-9.4-1 and 28-9.4-16 of the General Laws in Chapter 28-9.4
19 entitled "Municipal Employees' Arbitration" are hereby amended to read as follows:

20 **28-9.4-1. Declaration of policy -- Purpose.**

21 It is declared to be the public policy of this state to accord to municipal employees the right
22 to organize, to be represented, to negotiate, and to bargain on a collective basis with municipal
23 employers, covering hours, salary, working conditions and other terms of employment; ~~provided,~~
24 ~~that nothing contained in this chapter shall be construed to accord to certified public school teachers~~
25 ~~the right to strike.~~

26 **28-9.4-16. ~~Strikes by municipal employees illegal~~ Strikes by municipal firefighters**
27 **and police officers illegal.**

28 Municipal ~~employees~~ firefighters and police officers covered by the provisions of this
29 chapter shall not have the right to engage in any strike, work stoppage, or slowdown strike; and any
30 strike, work stoppage, or slowdown strike by municipal firefighters or police officers shall be
31 illegal.

32 SECTION 4. Section 36-11-6 of the General Laws in Chapter 36-11 entitled "Organization
33 of State Employees" is hereby amended to read as follows:

34 **36-11-6. Powers of representative organizations.**

1 Organizations representing state employees, firefighters as defined in § 28-9.1-3, and
2 police officers as defined in § 28-9.2-3, shall enjoy all the benefits of and be subject to all the
3 provisions of chapter 7 of title 28, except that ~~those employees~~ firefighters, correctional officers,
4 911 employees, and police officers shall not have the right to strike.

5 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide for the right to strike for public sector workers in Rhode Island,
2 including teachers, with exceptions for police officers, firefighters, 911 employees, and correctional
3 officers.

4 This act would take effect upon passage.

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