

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 1139

"THE STATE EMPLOYEE LIMITED PUBLIC EMPLOYMENT RELATIONS ACT. "

Amendment No. 1 to House Bill No. 1139.

Amend House Bill No. 1139 as originally introduced:

Page 1, delete line 36 and substitute the following "a dispute under a collective bargaining agreement submit their differences to a third party for a final and binding"

AND

Page 3, line 21, delete "Arkansas except" and substitute "Arkansas, including state supported institutions of higher education, except"

AND

Page 4, line 4, delete "employees;" and substitute "employees; and"

AND

Page 4, line 5, delete "employees; and" and substitute "employees."

AND

Page 4, delete lines 6 and 7

AND

Page 4, line 14, delete "labor" and substitute "the employees"

AND

Page 4, line 15, delete "state agencies" and substitute "the employers"

AND

Page 4, line 22, delete "labor" and substitute "the employees"



AND

Page 9, delete lines 34 through 36

AND

Page 10, delete lines 1 through 7 and substitute the following:

“(d) Enforcement of agreement.

(1) The parties to a collective bargaining agreement may provide for the final and binding arbitration of disputes arising under the agreement.

(2) The judicial review, if any, of the arbitration decisions shall be pursuant to the Uniform Arbitration Act.

(3) In the absence of an agreement for the arbitration of disputes, the terms of any collective bargaining agreement may be enforced by the appropriate circuit court upon the initiative of either party.”

AND

Page 11, delete lines 1 through 36, and page 12 delete lines 1 through 20 and substitute the following:

“(c) Fact Finding.

(1) If the impasse persists ten (10) days after the mediator has been appointed, the board shall appoint a fact finder representative of the public from a list of qualified persons maintained by the board.

(2) The fact finder shall conduct a hearing, may administer oaths, and may request the board to issue subpoenas.

(3) The fact finder shall secure from both parties agreements reached by the parties prior to fact finding and the final position of each party with regard to any subject of bargaining as to which the parties have not reached agreement.

(4) In determining whether to include in his or her recommendations the final position of either party, the fact finder shall consider the following factors:

(A) Agreements reached in collective bargaining prior to fact finding;

(B) The ability of the employer to meet costs, including both available financial resources and sources of additional financial resources, in light of any state imposed limitations on local spending or revenue;

(C) The terms and conditions of employment of the employees involved in fact finding hearings as compared to the terms and conditions of employment of other employees of the employer and of other public and private sector employees performing similar services in the same community and in comparable communities; and

(D) Other factors that traditionally are taken into consideration in the determination of terms and conditions of employment through collective bargaining in public and private sector employment.

(4) The fact finder shall make written findings of facts and recommendations for resolution of the dispute and, not later than fifteen (15) days after the date of appointment, shall serve the findings and

recommendations on the employer and the employee organization.

(5) The employer shall immediately accept the fact finder's recommendations or shall make public the report of the fact finder.

(6) The employer shall, on the sixth working day after making the fact finder report public, take action of acceptance or rejection of each recommendation of the fact finder.

(7) However, during the period of time between the employer making the report public and taking action, the parties shall continue to make good faith efforts to resolve the dispute.”

The Amendment was read _____

By: Representatives Elliott, Ledbetter, Hathorn, Judy, Lendall, Creekmore, Lewellen, Chesterfield

Senators Brown, Broadway, Wilkins, Steele

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Chief Clerk