

2010 -- S 2684

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ARBITRATION

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 10, 2010

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-9-18 of the General Laws in Chapter 28-9 entitled "Arbitration
2 of Labor Controversies" is hereby amended to read as follows:

3 **28-9-18. Grounds for vacating award.** -- (a) It is the public policy of the State of Rhode
4 Island that arbitration is the preferred alternative dispute resolution mechanism to resolve
5 differences between labor and management. Notwithstanding any other general or special law to
6 the contrary, upon the application of any party to the controversy which was arbitrated, ~~In any of~~
7 ~~the following cases~~ the court must make an order vacating the award, only on the following
8 grounds ~~upon the application of any party to the controversy which was arbitrated:~~

9 (1) When the award was procured by fraud.

10 (2) Where the arbitrator or arbitrators exceeded their powers, or so imperfectly executed
11 them, that a mutual, final, and definite award upon the subject matter submitted was not made.

12 (3) If there was no valid submission or contract, and the objection has been raised under
13 the conditions set forth in section 28-9-13.

14 (b) A motion to vacate, modify, or correct an arbitrator's award shall not be entertained
15 by the court unless the award is first implemented by the party seeking its vacation, modification,
16 or correction; provided, the court, upon sufficient cause shown, may order the stay of the award
17 or any part of it upon circumstances and conditions which it may prescribe.

18 (c) If the motion to vacate, modify, or correct an arbitrator's award is denied, the moving
19 party shall pay the costs and reasonable attorneys' fees of the prevailing party.

1 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 AND LABOR RELATIONS – ARBITRATION

- 1 This act would acknowledge arbitration as the preferred alternative labor dispute
- 2 resolution mechanism and would limit instances when an arbitration award can be vacated.
- 3 This act would take effect upon passage.

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