

1 Senators Miles of the 43rd, Fort of the 39th, Tate of the 38th, Henson of the 41st and Jones
2 of the 10th offered the following amendment:

3 *Amend the House substitute to Senate Bill 115 by deleting all matter from line 18 on page*
4 *4 through line 26 on page 7 and inserting in place thereof the following:*

5 (5) The fact finder's report shall recommend as to all unresolved collective bargaining
6 issues submitted for fact finding, including appropriate wages, hours and other terms and
7 conditions of employment for represented employees, and shall set forth supporting
8 factual findings, ~~determined after due consideration of the factors set forth in~~
9 ~~subparagraphs (A) through (E) of paragraph (8) of this subsection,~~ and shall contain a
10 summary of the findings. The report of the fact finder shall be issued within 30 days after
11 the fact finder is selected or appointed. Upon issuance, the report shall be distributed by
12 the Authority to the Governor, the Metropolitan Atlanta Rapid Transit Overview
13 Committee of the Georgia General Assembly, and each local governing body in the
14 metropolitan area. The fact finder shall cause the summary of findings to be published
15 once in the newspaper having the largest circulation in the metropolitan area. The fact
16 finder shall be compensated in the same manner as a special master pursuant to Code
17 Section 22-2-106 of the O.C.G.A., and the costs thereof and any other costs of the
18 proceeding shall be borne equally by the parties. After selection or appointment of a fact
19 finder pursuant to this paragraph, the parties may continue to collectively bargain on any
20 issues, including but not limited to those submitted for fact-finding.

21 (6) Upon issuance of the fact finder's report, the Authority and the authorized
22 representative shall continue to collectively bargain in light of the recommendations set
23 forth in such report. If either party rejects any or all of the fact finder's recommendations
24 and the parties are otherwise unable, through collective bargaining, to reach agreement
25 on such issue or issues, then each party rejecting any of the fact finder's
26 recommendations shall prepare a written statement setting forth the specific
27 recommendations which such party has rejected, the party's counterproposal on the issue
28 or issues, and the reasons for rejecting the fact finder's recommendations. Prior to ~~the~~
29 commencement of any proceeding for a ~~judicial determination~~ binding interest
30 arbitration, as provided in paragraph (7) of this subsection, each party required under this
31 paragraph to prepare that statement shall cause it to be published in the local newspaper
32 having the largest circulation in the metropolitan area and shall concurrently distribute
33 that statement to the Governor, the Metropolitan Atlanta Rapid Transit Overview

1 Committee of the Georgia General Assembly, and each local governing body in the
2 metropolitan area.

3 (7) If, within the 30 days following issuance of the fact finder's report, the Authority and
4 the authorized representative are unable to conclude a new labor agreement, ~~either party~~
5 ~~may then seek a judicial determination of any of all unresolved issues between the parties~~
6 the labor dispute shall then be submitted to binding interest arbitration at the request of
7 either party. Such an action may be instituted by the filing of a ~~petition for a judicial~~
8 ~~determination directed to the senior judge in time of service of the Superior Court of~~
9 ~~Fulton County in even-numbered years or the senior judge in time of service of the~~
10 ~~Superior Court of DeKalb County in odd-numbered years to resolve any issue. That~~
11 ~~judge, without a jury, a notice to the other party for binding interest arbitration. The~~
12 parties shall select an arbitrator who is approved by the American Arbitration Association
13 within 30 days of the filing of the notice. The party requesting the arbitration shall
14 immediately request a list of seven qualified arbitrators from the American Arbitration
15 Association. Each party shall strike one name from the list of arbitrators, beginning with
16 the party not requesting the arbitration, and shall continue with the other party striking
17 a name, until a single name remains. The name of the single person remaining shall
18 become the arbitrator. That arbitrator shall decide the issues within 90 days after said
19 ~~petition~~ notice shall be filed with the clerk of the superior court of such judge's judicial
20 circuit. That judge's arbitrator's decision on those issues shall bind both the Authority
21 and the authorized representative and there shall be no appeal from that decision. That
22 ~~judge~~ arbitrator may require the Authority and the authorized representative to provide
23 that ~~judge~~ arbitrator with such information as the ~~judge~~ arbitrator determines to be
24 necessary in ~~the~~ resolving of the issues submitted thereto. In the event that any
25 unresolved collective bargaining issue, including but not limited to wage rates for
26 represented employees, is not submitted for ~~judicial determination~~ arbitration, the parties
27 shall continue to collectively bargain with respect to such issues in a good faith effort to
28 reach agreement on such issues or to agree upon the terms and conditions of a stipulation
29 or submission agreement to be submitted for ~~judicial determination~~ arbitration, as
30 provided in this paragraph.

31 (8) In any ~~judicial determination~~ interest arbitration under this subsection, the ~~judge~~
32 arbitrator shall be bound by any written stipulation or submission agreement between the
33 Authority and the authorized representative concerning such determination. In
34 determining any issue, the ~~judge~~ arbitrator shall also give weight ~~both~~ to the report of the
35 neutral fact finder, ~~and to the following factors:~~

36 (A) ~~The financial ability of the Authority to pay wages and provide benefits, whether~~
37 ~~or not increased, while adhering to all legal requirements governing the Authority's~~

1 ~~expenditure of public funds and revenues and maintaining levels of transit service~~
 2 ~~sufficient to serve the metropolitan area;~~

3 ~~(B) The amount, if any, of any fare increase which would be necessary to afford a~~
 4 ~~wage or salary increase or improvement in fringe benefits or extension of vacation,~~
 5 ~~holiday, or excused time and the ability of the public to bear a fare increase, with~~
 6 ~~consideration of the per capita income of those persons in the service area;~~

7 ~~(C) A comparison between the overall wage and salary levels and fringe benefit levels~~
 8 ~~and vacation, holiday and excused time allowances of the Authority's represented~~
 9 ~~employees and other workers in the public and private sectors of the metropolitan area~~
 10 ~~who perform work requiring similar skills in other major ground transportation~~
 11 ~~services;~~

12 ~~(D) A comparison of the hours and working conditions of the Authority's represented~~
 13 ~~employees and other workers in the public and private sectors of the metropolitan area~~
 14 ~~who perform work requiring similar skills in other major ground transportation~~
 15 ~~services; and~~

16 ~~(E) The cost of consumer goods and services within the metropolitan area.~~

17 (9) Subject to any requirement imposed pursuant to Section 13 (c) of the Urban Mass
 18 Transportation Act of 1964, as amended, the Authority at all times shall have the right
 19 to determine the method, means, and personnel by which its operations are to be carried
 20 on, ~~including the right to hire part-time employees.~~

21 (10) In enacting this subsection, the General Assembly recognizes that arbitration ousts
 22 the jurisdiction of the courts and declares that it is appropriate for the state to regulate any
 23 method of disputes resolution that takes place outside the judicial system. The Superior
 24 Court of Fulton County shall have equitable and legal jurisdiction to enforce this
 25 subsection. No employee of the Authority shall engage in any strike, sit-down,
 26 slow-down, walkout, or other concerted cessation or curtailment of work, and no
 27 authorized representative of employees of the Authority shall cause, instigate, encourage,
 28 promote or condone any strike, sit-down, slow-down, walkout, or other concerted
 29 cessation or curtailment of work by any employee of the Authority. The Authority shall
 30 not unilaterally increase, decrease, or otherwise change the wages, including accrued
 31 cost-of-living allowances, or fringe benefits of represented employees as of the last day
 32 of an expired contract pending the establishment of new wages and fringe benefits by
 33 negotiation or ~~judicial determination~~ interest arbitration.