

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture, Food Resiliency, and Forestry to which was  
3 referred Senate Bill No. 102 entitled “An act relating to expanding  
4 employment protections and collective bargaining rights” respectfully reports  
5 that it has considered the same and recommends that the House propose to the  
6 Senate that the bill be amended by striking out Sec. 2, 21 V.S.A. § 1502,  
7 definitions, in its entirety and inserting in lieu thereof new Secs. 2 and 2a to  
8 read as follows:

9 Sec. 2. 21 V.S.A. § 1502 is amended to read:

10 § 1502. DEFINITIONS

11 As used in this chapter:

12 \* \* \*

13 (6) “Employee” includes any employee, and is not limited to the  
14 employees of a particular employer unless this chapter explicitly states  
15 otherwise, and includes any individual whose work has ceased as a  
16 consequence of, or in connection with, any current labor dispute or because of  
17 any unfair labor practice and who has not obtained any other regular and  
18 substantially equivalent employment, but does not include an individual;

19 (A) employed as an agricultural laborer;

20 (B) employed by ~~his or her~~ the individual’s parent or spouse;

21 (C) ~~employed in the domestic service of any family or person at his~~

1 ~~or her home;~~

2 (D) having the status of an independent contractor;

3 (E) employed as a supervisor;

4 (F) employed by an employer subject to the Railway Labor Act as  
5 ~~amended from time to time;~~ or

6 (G) employed by any other person who is not an employer as defined  
7 in subdivision (7) of this section.

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9 **Sec. 2a. AGRICULTURAL WORKER LABOR AND EMPLOYMENT**

10 **LAWS; STUDY COMMITTEE; REPORT**

11 (a) Creation. There is created the Agricultural Worker Labor and  
12 Employment Laws Study Committee to examine the application of Vermont's  
13 labor relations and employment laws to agricultural workers in Vermont and to  
14 identify potential legislative action to provide additional coverage to  
15 agricultural workers under those laws.

16 (b) Membership. The Committee shall be composed of the following  
17 members:

18 (1) four current members of the House, not all from the same political  
19 party, appointed by the Speaker of the House, of whom two shall be members  
20 of the Committee on Agriculture, Food Resiliency, and Forestry and two shall  
21 be members of the Committee on General and Housing; and

1           (2) four current members of the Senate, not all from the same political  
2 party, appointed by the Committee on Committees, of whom two shall be  
3 members of the Committee on Agriculture and two shall be members of the  
4 Committee on Economic Development, Housing and General Affairs.

5           (c) Powers and duties. The Committee shall study how Vermont's  
6 employment and labor relations laws apply to Vermont agricultural workers  
7 and identify potential legislative action to provide additional coverage to  
8 agricultural workers under those laws. In particular, the Committee shall:

9           (1) identify existing employment rights for agricultural workers under  
10 Vermont and federal law;

11           (2) identify Vermont and federal employment and collective bargaining  
12 laws that do not apply to some or all Vermont agricultural workers;

13           (3) identify laws in other states that provide employment or collective  
14 bargaining rights to agricultural workers that Vermont agricultural workers do  
15 not have;

16           (4) paying particular attention to states with agricultural economies  
17 similar to Vermont's, examine the structure of collective bargaining rights for  
18 agricultural workers in other states that provide such rights, including  
19 coverage, certification of exclusive bargaining representatives, subjects for  
20 bargaining, procedures for resolving bargaining impasse, unfair labor practices.

1 and costs related to organizing and contract negotiation for both employers and  
2 labor organizations;

3 (5) examine the structure of Vermont’s existing labor relations laws,  
4 including coverage, certification of exclusive bargaining representatives,  
5 subjects for bargaining, procedures for resolving bargaining impasse, unfair  
6 labor practices, and costs related to organizing and contract negotiation for  
7 both employers and labor organizations;

8 (6) examine the capacity of the Vermont Labor Relations Board to  
9 administer collective bargaining in Vermont’s agricultural sector;

10 (7) develop a framework for agricultural collective bargaining in  
11 Vermont; and

12 (8) identify other potential changes to Vermont’s employment laws to  
13 provide additional rights and protections to agricultural workers.

14 (d) Assistance. The Committee shall have the administrative assistance of  
15 the Office of Legislative Operations, the fiscal assistance of the Joint Fiscal  
16 Office, and legal assistance of the Office of Legislative Counsel.

17 (e) Report.

18 (1) On or before December 15, 2024, the Committee shall submit a  
19 written report to the General Assembly with its findings and recommendations  
20 for legislative action.

- 1           (2) The report shall include a proposal for permitting agricultural  
2 workers to collectively bargain. The proposal shall specifically address:
- 3           (A) whether to provide for collective bargaining by agricultural  
4 workers under the State Labor Relations Act or in a separate agricultural  
5 workers' labor relations act;
- 6           (B) the minimum size of agricultural employer to be covered;
- 7           (C) whether, and if so how, to differentiate between covered  
8 employers based on their size;
- 9           (D) the minimum number of employees who may form a bargaining  
10 unit;
- 11           (E) how to address seasonal, migratory, and temporary workers;
- 12           (F) procedures for selecting and certifying an exclusive  
13 representative for a bargaining unit;
- 14           (G) mandatory subjects for bargaining;
- 15           (H) procedures for resolving bargaining impasses, including whether  
16 to permit strikes or contract imposition;
- 17           (I) unfair labor practices;
- 18           (J) the role, if any, of the Vermont Labor Relations Board in  
19 administering the proposed law;
- 20           (K) whether to provide State resources to assist parties during the  
21 process of determining a bargaining unit, certify an exclusive representative for

1 a bargaining unit, negotiating a contract, and resolving a bargaining impasse;

2 and

3 (L) any other issues the Committee deems to be appropriate.

4 (3) The report shall also include a recommendation for any other  
5 legislative action to amend Vermont’s employment laws in relation to  
6 agricultural workers that the Committee deems to be appropriate.

7 (f) Meetings.

8 (1) The Chair of the House Committee on Agriculture, Food Resiliency,  
9 and Forestry shall call the first meeting of the Committee to occur on or before  
10 September 6, 2024.

11 (2) The Committee shall select a chair from among its members at the  
12 first meeting.

13 (3) A majority of the membership shall constitute a quorum.

14 (4) The Committee shall cease to exist on December 31, 2024.

15 (g) Compensation and reimbursement. For attendance at meetings during  
16 adjournment of the General Assembly, a legislative member of the Committee  
17 shall be entitled to per diem compensation and reimbursement of expenses  
18 pursuant to 2 V.S.A. § 23 for not more than six meetings. These payments  
19 shall be made from monies appropriated to the General Assembly.

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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Representative \_\_\_\_\_

FOR THE COMMITTEE