

1 H.111

2 Introduced by Representatives Canfield of Fair Haven, Batchelor of Derby,  
3 Eastman of Orwell, Helm of Fair Haven, Shaw of Pittsford,  
4 Shaw of Derby, and Terenzini of Rutland Town

5 Referred to Committee on

6 Date:

7 Subject: Executive; State Employees Labor Relations Act; Labor Relations  
8 Board

9 Statement of purpose of bill as introduced: This bill proposes to require the  
10 Vermont Labor Relations Board to remove a decision relating to an  
11 employee's grievance from a disciplinary action from the Board's website no  
12 later than five years after the decision is issued.

13 An act relating to the removal of grievance decisions from the Vermont  
14 Labor Relations Board's website

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 ~~Sec. 1. 3 V.S.A. § 928 is amended to read:~~

17 § 928. RULES AND REGULATIONS

18 (a) The ~~board~~ Board shall make and may amend and rescind and adopt  
19 such rules and regulations consistent with this chapter, as may be necessary to  
20 carry out the provisions of this chapter.

1 ~~(b) Notwithstanding the provisions of subsection (a) of this section, rules~~  
2 and regulations adopted by the ~~board~~ Board as they relate to grievance appeals  
3 shall provide:

4 (1) All employees and other persons authorized by this chapter shall  
5 have the right to appeal to the ~~board~~ Board in accordance with the rules and  
6 regulations of the ~~board~~ Board.

7 (2) ~~That a~~ A reasonable notice shall be given to the ~~state~~ State agency or  
8 officer, ~~and state~~ the State employee, ~~and~~ the representative concerned, ~~and to~~  
9 the ~~commissioner of human resources~~ Commissioner of Human Resources.

10 (3) ~~That all~~ All hearings of the ~~board~~ Board shall be public and, unless  
11 both parties concerned request that it be formal, hearings shall be informal and  
12 not subject to the rules of pleadings, procedure, and evidence of the courts of  
13 the ~~state~~ State.

14 (4) ~~That all~~ All parties in interest to any appeal shall be entitled to be  
15 heard on any matter at issue.

16 (5) ~~That in~~ In appeals from the decisions of the ~~department of human~~  
17 ~~resources~~ Department of Human Resources or any ~~state~~ State agency or  
18 officer, the ~~state~~ State agency and officer and the ~~state~~ State employee shall be  
19 parties in interest, and the ~~commissioner of human resources~~ Commissioner of  
20 Human Resources or the collective bargaining representative on motion may  
21 intervene as a party in interest.

1 ~~(6) That the The parties in interest shall have the right to present~~  
2 witnesses, give evidence, and examine witnesses before the ~~board~~ Board.

3 (7) The Board shall remove from its website any findings, conclusions,  
4 and determinations made in relation to a grievance appeal from a disciplinary  
5 action instituted against a State employee within five years of the date on  
6 which the Board makes a final determination on the grievance.

7 Sec. 2. EFFECTIVE DATE

8 ~~This act shall take effect on July 1, 2015.~~

*Sec. 1. 3 V.S.A. § 928 is amended to read:*

*§ 928. RULES AND REGULATIONS*

*\* \* \**

*(b) Notwithstanding the provisions of subsection (a) of this section, rules  
and regulations adopted by the Board as they relate to grievance appeals shall  
provide:*

*\* \* \**

*(7)(A)(i) That the name of any grievant whom the Board exonerates of  
misconduct for which he or she was disciplined shall be redacted from the  
version of the Board's decision that is posted on the Board's website.*

*(ii) Nothing in this subdivision (7)(A) shall be construed to require  
the Board to redact the name of the grievant from any other version of the  
Board's decision or from any other documents related to the grievance.*

(B) Nothing in this subdivision (7) shall be construed to modify an individual's right to privacy pursuant to any law, rule, or policy.

*Sec. 2. GRIEVANT PREVIOUSLY EXONERATED; REDACTION OF  
NAME FROM BOARD DECISION*

(a) On or before January 1, 2017, the Vermont Labor Relations Board shall adopt rules necessary to permit a grievant whom, in a decision issued after December 31, 1994, the Board exonerated of misconduct for which he or she was disciplined to petition the Board to redact his or her name from the version of the Board's decision that is posted on the Board's website.

(b)(1) Nothing in this section shall be construed to require the Board to redact the name of the grievant from any other version of the Board's decision or from any other documents related to the grievance.

(2) Nothing in this section shall be construed to modify an individual's right to privacy pursuant to any law, rule, or policy.

*Sec. 3. EFFECTIVE DATE*

This act shall take effect on July 1, 2016.