

1 H.370

2 Introduced by Representatives Evans of Essex, Buxton of Tunbridge, Christie  
3 of Hartford, Cole of Burlington, Davis of Washington, Donovan  
4 of Burlington, Haas of Rochester, Keenan of St. Albans City,  
5 Krowinski of Burlington, Lenex of Shelburne, Macaig of  
6 Williston, Martin of Wolcott, McCarthy of St. Albans City,  
7 McCormack of Burlington, McFaun of Barre Town, Mook of  
8 Bennington, Moran of Wardsboro, O'Sullivan of Burlington,  
9 Pearson of Burlington, Peltz of Woodbury, Poirier of Barre  
10 City, Ram of Burlington, South of St. Johnsbury, Stevens of  
11 Waterbury, Stuart of Brattleboro, Till of Jericho, Townsend of  
12 Randolph, Townsend of South Burlington, Weed of Enosburgh,  
13 and Wizowaty of Burlington

14 Referred to Committee on

15 Date:

16 Subject: Executive; classification of state personnel; classified service defined;  
17 exceptions

18 Statement of purpose of bill as introduced: This bill proposes to allow  
19 collective bargaining benefits for state's attorneys.

20 An act relating to collective bargaining for state's attorneys

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

2 Sec. 1. 3 V.S.A. § 311 is amended to read:

3 § 311. CLASSIFIED SERVICE DEFINED; EXCEPTIONS

4 (a) The classified service to which this chapter shall apply shall include all  
5 positions and categories of employment by the ~~state~~ State, except as otherwise  
6 provided by law, and except the following:

7 \* \* \*

8 (14) Attorneys employed as legal advisors or special counsel outside the  
9 ~~office of the attorney general~~ Office of the Attorney General, including special  
10 counsel for the ~~public service board~~ Public Service Board and excluding  
11 deputy state's attorneys.

12 \* \* \*

13 Sec. 2. 3 V.S.A. § 902 is amended to read:

14 § 902. DEFINITIONS

15 ~~For the purpose of~~ As used in this chapter:

16 \* \* \*

17 (5) "State employee" means any individual employed on a permanent or  
18 limited status basis by the ~~state~~ State of Vermont, the Vermont ~~state colleges~~  
19 State Colleges or the University of Vermont, including permanent part-time  
20 employees, and an individual whose work has ceased as a consequence of, or

1 in connection with, any current labor dispute or because of any unfair labor  
2 practice, but excluding an individual:

3 (A) Exempt or excluded from the ~~state classified service~~ State  
4 Classified Service under the provisions of section 311 of this title, except that  
5 the ~~state police~~ State Police in the ~~department of public safety,~~ Department of  
6 Public Safety, all employees hired by the Department of State's Attorneys and  
7 Sheriffs and paid by the State, and employees of the ~~defender general~~ Defender  
8 General, excluding attorneys employed directly by the ~~defender general~~  
9 Defender General and attorneys contracted to provide legal services are  
10 included within the meaning of "state employee";

11 \* \* \*

12 (7) "Employer" means the ~~state~~ State of Vermont, excluding the  
13 ~~legislative and judiciary departments~~ Legislative and Judicial Branches,  
14 represented by the ~~governor~~ Governor or ~~the governor's~~ designee, the ~~office of~~  
15 ~~the defender general~~ Office of the Defender General represented by the  
16 ~~defender general~~ Defender General or ~~the defender general's~~ designee, ~~the~~  
17 Department of State's Attorneys and Sheriffs represented by the Executive  
18 Committees of the Department or the Executive Committee's designee(s), and  
19 Vermont ~~state colleges~~ State Colleges, represented by the ~~chancellor~~  
20 Chancellor or ~~the chancellor's~~ designee and the University of Vermont,  
21 represented by the ~~president~~ President or ~~the president's~~ designee.

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Sec 3. 24 V.S.A. § 363 is amended to read:

§ 363. DEPUTY STATE'S ATTORNEYS

A state's attorney may appoint as many deputy state's attorneys as necessary for the proper and efficient performance of his or her office, ~~and with the approval of the governor, fix their pay not to exceed that of the state's attorney making the appointment,~~ and may remove them at pleasure. Deputy state's attorneys shall be compensated only for periods of actual performance of the duties of such office. Deputy state's attorneys shall be reimbursed for their necessary expenses incurred in connection with their official duties when approved by the state's attorneys and the ~~commissioner of finance~~ Commissioner of Finance. Deputy state's attorneys shall exercise all the powers and duties of the state's attorneys except the power to designate someone to act in the event of their own disqualification. Deputy state's attorneys may not enter upon the duties of the office until they have taken the oath or affirmation of allegiance to the ~~state~~ State and the oath of office required by the ~~constitution~~ Constitution, and until such oath together with their appointment is filed for record with the county clerk. If appointed and under oath, a deputy state's attorney may prosecute cases in another county if the state's attorney in the other county files the deputy's appointment in the other county clerk's office. In case of a vacancy in the ~~office of state's~~

1 ~~attorney~~ Office of State's Attorney, the appointment of the deputy shall expire  
2 upon the appointment of a new state's attorney.

3 Sec. 4. 24 V.S.A. § 290 is amended to read:

4 § 290. COUNTY SHERIFFS DEPARTMENT

5 \* \* \*

6 (b) Full-time deputy sheriffs whose primary responsibility is transportation  
7 of prisoners and mentally ill persons shall be paid by the ~~state~~ State of  
8 Vermont. The appointment of such deputies ~~and their salary~~ shall be approved  
9 by the ~~governor~~, Governor or his or her designee. The ~~executive committee~~  
10 Executive Committee of the Vermont ~~sheriffs association~~ Sheriff's Association  
11 and the ~~executive director~~ Executive Director of the ~~department of state's~~  
12 ~~attorneys and sheriffs~~ Department of Deputy State's Attorneys and Sheriffs  
13 shall jointly have authority for the assignment of position locations in the  
14 counties of state-paid deputy sheriffs and shall review the county location  
15 assignments periodically for efficient use of resources.

16 \* \* \*

17 Sec. 5. 32 V.S.A. § 1185 is amended to read:

18 § 1185. OFFICE EXPENSES

19 \* \* \*

20 (b) Secretaries shall be hired by and shall serve at the pleasure of the state's  
21 attorney. Secretaries shall be state employees paid by the ~~state, and shall~~

1 ~~receive those benefits available to other classified state employees who are~~  
2 ~~similarly situated but they shall not be subject to the rules provided for under~~  
3 ~~chapter 13 of Title 3. The compensation of each secretary shall be determined~~  
4 ~~by the commissioner of human resources with the approval of the governor. In~~  
5 ~~fixing compensation, there shall be taken into consideration, among other~~  
6 ~~things, the volume of work requiring the services of the secretary and whether~~  
7 ~~the services are on a full or part-time basis State.~~

8 Sec. 6. EFFECTIVE DATE

9 This act shall take effect on July 1, 2013.