

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 218 entitled “An act relating to temporary employees” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. 3 V.S.A. § 331 is amended to read:

8 § 331. TEMPORARY EMPLOYEES

9 (a) The ~~state~~ State shall not employ any person in a temporary capacity
10 except in accordance with the provisions of this section.

11 (b)(1) On request of the appointing authority, the ~~commissioner of human~~
12 ~~resources~~ Commissioner of Human Resources may approve, in writing, the
13 creation of a temporary position and the hiring of a person to fill such
14 temporary position only if the position and person are needed:

15 (A) ~~to~~ To meet a seasonal employment need of ~~state~~ State
16 ~~government;~~

17 (B) ~~to~~ To respond to a bona fide emergency;

18 (C) ~~to~~ To fill in for the temporary absence of an existing employee,
19 or a vacancy in an existing position;

20 (D) ~~to~~ To perform a governmental function that requires only
21 intermittent, sporadic, or ongoing employment that averages less than 20 hours

1 per week during any ~~one calendar year~~ 365-day period, provided that such
2 employment does not exceed ~~4,520~~ 1,040 hours in any ~~one calendar year~~
3 365-day period. An employee who works more than 1,040 hours in any
4 365-day period shall become a permanent classified employee.

5 (2)(A) Except as provided in subdivision (1) of this subsection, the
6 ~~commissioner~~ Commissioner shall not approve the creation of a temporary
7 position or the hiring of a person to fill such temporary position if the
8 governmental function is ongoing and continuing.

9 (B) The ~~commissioner~~ Commissioner shall not approve the creation
10 of a temporary position or the hiring of a person to fill such temporary position
11 if approval is intended to circumvent, or has the effect of circumventing, the
12 policies and purposes of the classified service under this chapter.

13 (c) The ~~commissioner~~ Commissioner may authorize the continued
14 employment of a person in a temporary capacity for more than ~~4,520~~ 1,280
15 hours in any one calendar year if the ~~commissioner~~ Commissioner determines,
16 in writing, that a bona fide emergency exists for the appointing authority that
17 requires such continued employment. Annually, on January 15th, the

18 Commissioner shall submit a report to the General Assembly:

19 (1) identifying the total number of temporary employees who have
20 worked:

21 (A) 1,280 hours in the prior calendar year, or

- 1 (B) in excess of 1,280 hours in the prior calendar year;
2 (2) the agency or department that is assigned the temporary position;
3 (3) the total number of hours worked by each temporary employee; and
4 (4)(A) a statement:
5 (i) recommending the conversion of the position to a permanent
6 classified position, or
7 (ii) stating the reasons why the temporary position should be
8 continued.

9 (B) It shall be the responsibility of the head of each department to
10 provide a detailed justification for each waiver to exceed the 1,280 hour limit
11 within his or her department and such other information as may be required to
12 the Department of Human Resources in order to enable that Department to
13 carry out its responsibility under this section.

14 (d) On an annual basis, all temporary employees shall accrue one hour of
15 paid health leave for every 40 hours worked, which will be capped at a total
16 number of five days, and may be rolled over into the next calendar year. Paid
17 health care leave shall be compensated at the same hourly rate as the employee
18 normally earns for hours worked.

19 **Sec. 2. DEPARTMENT OF CORRECTIONS PROVISIONS RELATING TO**

20 **CONTRABAND**

21 **The Commissioner of Corrections:**

1 (1) shall have the sole discretion to conduct searches of personal
2 belongings of all persons when entering the secure portion of a State
3 correctional facility;

4 (2) may conduct pre-employment drug screening of all permanent and
5 temporary Department of Correction employees hired after July 1, 2014;

6 (3) may conduct background investigations before hiring any permanent
7 or temporary employee; and

8 (4) may permit offenders to earn contact visits if the contact privilege
9 was taken away.

10 **Sec. 3. DEPARTMENT OF CORRECTIONS STAFFING STUDY**

11 (a) The Department of Corrections shall conduct a study of all State
12 correctional facilities to determine the appropriate number of permanent
13 employees at each facility.

14 (b) The Department of Corrections shall report quarterly to the General
15 Assembly the number of temporary employees employed by the Department of
16 Corrections, the date of hire for each, and the hours worked by each temporary
17 employee in the calendar year.

18 (c) The Department of Corrections shall develop a three- and five-year plan
19 to provide adequate permanent staffing to meet the staffing needs identified at
20 each Correction's facility and present the plans to the General Assembly by
21 January 15, 2015.

1 Sec. 4. TEMPORARY EMPLOYEES IN THE JUDICIAL BRANCH

2 (a) The Judiciary may authorize the continued employment of a person in a
3 temporary capacity for more than 1,280 hours in one calendar year if the Judiciary
4 determines in writing that a bona fide emergency exists for the appointing
5 authority that requires such continued employment. This section shall not apply to
6 the following:

7 (1) Assistant Judges;

8 (2) retired former permanent employees of the Vermont Judicial branch;

9 and

10 (3) retired former permanent employees of any branch of Vermont State
11 government.

12 (b)(1) Annually, on January 15, the Judiciary shall submit a report to the
13 General Assembly identifying the total number of temporary employees who have
14 worked 1,280 or more hours in the prior calendar year; and

15 (A) the unit to which the temporary employee is assigned;

16 (B) the total number of hours worked by each temporary employee; and

17 (C) a statement recommending:

18 (i) conversion of the position to a permanent classified position; or

19 (ii) stating the reasons why the temporary position should be
20 continued.

21 (2) This report shall identify retired former permanent State employees
22 currently holding temporary positions in the Judiciary.

1 (c) On an annual basis, all temporary employees shall accrue one hour of paid
2 health leave for every 40 hours worked, which will be capped at a total number of
3 five days, and which may be rolled over into the next calendar year. Paid health
4 care leave shall be compensated at the same hourly rate as the employee normally
5 earns for hours worked.

6 Sec. 5. EFFECTIVE DATE

7 This act shall take effect on July 1, 2014.

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10 (Committee vote: _____)

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Representative

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FOR THE COMMITTEE