

1 S.139

2 Representative Hubert of Milton moves to amend the House Proposal of
3 Amendment as follows:

4 First: By adding seven new sections and a reader assistance heading to be
5 Secs. 24a–24g to read as follows:

6 * * * Health Insurance for Public Employees and Teachers * * *

7 Sec. 24a. 3 V.S.A. § 904 is amended to read:

8 § 904. SUBJECTS FOR BARGAINING

9 (a) All matters relating to the relationship between the employer and
10 employees shall be the subject of collective bargaining except those matters
11 which are prescribed or controlled by statute. Such matters appropriate for
12 collective bargaining to the extent they are not prescribed or controlled by
13 statute include:

14 (1) ~~Wages~~ wages, salaries, benefits, and reimbursement practices
15 relating to necessary expenses and the limits of reimbursable expenses, except
16 as provided in subsection (c) of this section;

17 (2) minimum hours per week;

18 (3) working conditions;

19 (4) overtime compensation and related matters;

20 (5) leave compensation and related matters;

21 (6) reduction-in-force procedures;

1 (7) grievance procedures;

2 (8) terms of coverage and amount of employee financial participation in
3 insurance programs, except as provided in subsection (c) of this section;

4 (9) rules and regulations for personnel administration, except the
5 following: rules and regulations relating to persons exempt from the classified
6 service under section 311 of this title and rules and regulations relating to
7 applicants for employment in State service and employees in an initial
8 probationary status, including any extension or extensions thereof provided
9 such rules and regulations are not discriminatory by reason of an applicant's
10 race, color, creed, sex, or national origin; and

11 (10) the manner in which to enforce an employee's obligation to pay the
12 collective bargaining service fee.

13 * * *

14 (c) Medical benefits and health insurance shall not be a subject of
15 collective bargaining under this chapter. Employees who wish to have health
16 insurance coverage may purchase plans through the Vermont Health Benefit
17 Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

1 Sec. 24b. 3 V.S.A. § 1013 is amended to read:

2 § 1013. SUBJECTS FOR BARGAINING

3 (a) All matters relating to the relationship between the employer and
4 employees are subject to collective bargaining, to the extent those matters are
5 not prescribed or controlled by law, including:

6 (1) ~~Wages~~ wages, salaries, benefits, and reimbursement practices
7 relating to necessary expenses and the limits of reimbursable expenses-, except
8 as provided in subsection (b) of this section;

9 (2) ~~Minimum~~ minimum hours per week-;

10 (3) ~~Working~~ working conditions-;

11 (4) ~~Overtime~~ overtime compensation and related matters-;

12 (5) ~~Leave~~ leave compensation and related matters-;

13 (6) ~~Reduction in force~~ reduction-in-force procedures-;

14 (7) ~~Grievance~~ grievance procedures-;

15 (8) ~~Terms~~ terms of coverage and amount of employee financial
16 participation in insurance programs-, except as provided in subsection (b) of
17 this section;

18 (9) ~~Rules~~ rules for personnel administration of employees provided the
19 rules are not discriminatory in regard to an applicant's race, color, creed, sex,
20 sexual orientation, gender identity, age, national origin, religion,
21 or disability-; and

1 (10) ~~The~~ the manner in which to enforce an employee’s obligation to
2 pay the collective bargaining service fee.

3 (b) Medical benefits and health insurance shall not be a subject of
4 collective bargaining under this chapter. Employees who wish to have health
5 insurance coverage may purchase plans through the Vermont Health Benefit
6 Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

7 Sec. 24c. 16 V.S.A. § 2004 is amended to read:

8 § 2004. AGENDA

9 (a) The school board, through its negotiations council, shall, upon request,
10 negotiate with representatives of the teachers’ or administrators’ organization
11 negotiations council on matters of salary, related economic conditions of
12 employment, the manner in which it will enforce an employee’s obligation to
13 pay the agency service fee, procedures for processing complaints and
14 grievances relating to employment, and any mutually agreed upon matters not
15 in conflict with the statutes and laws of the State of Vermont.

16 (b) As used in this section, the terms “salary” and “related economic
17 conditions of employment” shall not include medical benefits or health
18 insurance. Medical benefits and health insurance shall not be a subject of
19 collective bargaining under this chapter. If a school board elects to provide
20 health insurance coverage for teachers and administrators, it shall purchase
21 health insurance coverage as provided under section 2011 of this title. If a

1 school board does not elect to provide health insurance coverage for teachers
2 and administrators, then teachers and administrators who wish to have health
3 insurance coverage may purchase plans through the Vermont Health Benefit
4 Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

5 Sec. 24d. 16 V.S.A. § 2011 is added to read:

6 § 2011. HEALTH INSURANCE FOR TEACHERS AND

7 ADMINISTRATORS

8 (a) A school board that elects to provide health insurance coverage for its
9 employees shall purchase plans offered through the Vermont Health Benefit
10 Exchange if the school district is a qualified employer under 33 V.S.A. § 1804.

11 (b) A school board that elects to provide health insurance coverage for its
12 employees may purchase only health insurance plans that are not subject to the
13 excise tax imposed pursuant to 26 U.S.C. § 4980I.

14 Sec. 24e. 21 V.S.A. § 1722 is amended to read:

15 § 1722. DEFINITIONS

16 As used in this chapter:

17 * * *

18 (12) “Municipal employee” means any employee of a municipal
19 employer, including a municipal school employee or a professional employee
20 as defined in subdivision 1502(11) of this title, except:

21 * * *

1 (17) “Wages, hours, and other conditions of employment” means any
2 condition of employment directly affecting the economic circumstances,
3 health, safety, or convenience of employees but excluding matters of
4 managerial prerogative as defined in this section. For purposes of collective
5 bargaining, “wages, hours, and other conditions of employment” shall not
6 include medical benefits or health insurance.

7 * * *

8 (21) “Municipal school employee” means an employee of a supervisory
9 district or supervisory union that is not otherwise subject to 16 V.S.A.
10 chapter 57 (labor relations for teachers and administrators).

11 Sec. 24f. 21 V.S.A. § 1725 is amended to read:

12 § 1725. COLLECTIVE BARGAINING PROCEDURE

13 (a)(1) For the purpose of collective bargaining, the representatives of the
14 municipal employer and the bargaining unit shall meet at any reasonable time
15 and shall bargain in good faith with respect to wages, hours, and conditions of
16 employment, and shall execute a written contract incorporating any agreement
17 reached; provided, however, that neither party shall be compelled to agree to a
18 proposal nor to make a concession, nor to bargain over any issue of managerial
19 prerogative.

20 (2) As used in this section, “wages, hours, and conditions of
21 employment” shall not include medical benefits or health insurance. Medical

1 benefits and health insurance shall not be a subject of collective bargaining
2 under this chapter. If a municipal employer elects to provide health insurance
3 coverage for municipal employees, it shall purchase health insurance coverage
4 as provided in section 1737 of this title. If a municipal employer elects not to
5 provide health insurance coverage, municipal employees who wish to have
6 health insurance coverage may purchase plans through the Vermont Health
7 Benefit Exchange established pursuant to 33 V.S.A. chapter 18, subchapter 1.

8 * * *

9 Sec. 24g. 21 V.S.A. § 1737 is added to read:

10 § 1737. HEALTH INSURANCE FOR MUNICIPAL SCHOOL

11 EMPLOYEES

12 (a) A municipal employer that elects to provide health insurance coverage
13 for its municipal school employees shall purchase plans offered through the
14 Vermont Health Benefit Exchange if the municipal employer is a qualified
15 employer under 33 V.S.A. § 1804.

16 (b) A municipal employer that elects to provide health insurance coverage
17 for its municipal school employees may purchase only health insurance plans
18 that are not subject to the excise tax imposed pursuant to 26 U.S.C. § 4980I.

1 Second: In Sec. 33, effective dates, by adding a subsection (g) to read as
2 follows:
3 (g) Secs. 24a–24g (health insurance for public employees and teachers)
4 shall take effect on passage and shall apply to all contract negotiations that
5 begin on or after the effective date of this act.