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**OPTION 1: No Local Bargaining**

\* \* \* Collective Bargaining \* \* \*

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

§ 902. DEFINITIONS

As used in this chapter:

\* \* \*

(2) “Collective bargaining,” or “bargaining collectively” means the process of negotiating terms, tenure, or conditions of employment between the State of Vermont, the Vermont State Colleges, ~~or~~ the University of Vermont, or the State’s Attorneys and representatives of employees with the intent to arrive at an agreement ~~which~~ that, when reached, shall be reduced to writing.

\* \* \*

(5) “State employee” means any individual employed on a permanent or limited status basis by the State of Vermont, the Vermont State Colleges, ~~or~~ the University of Vermont, or the State’s Attorneys’ offices, including permanent part-time employees, and an individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, but excluding an individual:

(A) exempt or excluded from the State classified service under the provisions of section 311 of this title, except that the State Police in the

1 Department of Public Safety, ~~and~~; employees of the Defender General,  
2 excluding attorneys employed directly by the Defender General and attorneys  
3 contracted to provide legal services; deputy State’s Attorneys; and employees  
4 of State’s Attorneys’ offices are included within the meaning of “State  
5 employee”;

6 \* \* \*

7 (7) “Employer” means the State of Vermont, excluding the Legislative  
8 and Judiciary Departments; represented by the Governor or ~~the Governor’s~~  
9 designee, the Office of the Defender General represented by the Defender  
10 General or ~~the Defender General’s~~ designee, and Vermont State Colleges;  
11 represented by the Chancellor or ~~the Chancellor’s~~ designee and, the University  
12 of Vermont; represented by the President or ~~the President’s~~ designee. With  
13 respect to employees of State’s Attorneys offices, “Employer” means the  
14 State’s Attorneys and the Department of State’s Attorneys and Sheriffs  
15 represented by the Executive Director or designee.

16 \* \* \*

17 (10) “Person;” includes one or more individuals, the State of Vermont,  
18 Vermont State Colleges, University of Vermont, Department of State’s  
19 Attorneys and Sheriffs, employee organizations, labor organizations,  
20 partnerships, corporations, legal representatives, trustees, or any other natural  
21 or legal entity whatsoever.

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Sec. 4. 3 V.S.A. § 904 is amended to read:

§ 904. SUBJECTS FOR BARGAINING

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

- (1) wages, salaries, benefits, and reimbursement practices relating to necessary expenses and the limits of reimbursable expenses;
- (2) minimum hours per week;
- (3) working conditions;
- (4) overtime compensation and related matters;
- (5) leave compensation and related matters;
- (6) reduction-in-force procedures;
- (7) grievance procedures, including whether an appeal to the Vermont Labor Relations Board or binding arbitration, or both, will constitute the final step in a grievance procedure;
- (8) terms of coverage and amount of employee financial participation in insurance programs;

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

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

10 (b) This chapter shall not be construed to be in derogation of, or contravene  
11 the spirit and intent of the merit system principles and the personnel laws.

12 (c) Notwithstanding subsection (a) of this section, the Department of  
13 State's Attorneys and Sheriffs and the deputy State's Attorneys and other  
14 employees of the State's Attorneys' offices shall only be permitted to bargain  
15 collectively in relation to the following matters, to the extent that they are not  
16 prescribed or controlled by statute:

17 (1) wages, salaries, benefits, and reimbursement practices relating to  
18 necessary expenses and the limits of reimbursable expenses;

19 (2) overtime compensation and related matters;

1           (3) grievance procedures, including whether an appeal to the Vermont  
2           Labor Relations Board or binding arbitration, or both, will constitute the final  
3           step in a grievance procedure;

4           (4) terms of coverage and amount of employee financial participation in  
5           insurance programs; and

6           (5) the manner in which to enforce an employee’s obligation to pay the  
7           collective bargaining service fee.

8           Sec. 5. 3 V.S.A. § 905 is amended to read:

9           § 905. MANAGEMENT RIGHTS

10           (a) ~~The Governor, or a person or persons designated by the Governor,~~  
11           ~~designee~~ for the State of Vermont, ~~and the provost, Chancellor or a person or~~  
12           ~~persons designated by the provost~~ designee for Vermont State Colleges ~~and,~~  
13           ~~the President, or a person or persons designated by the President~~ designee for  
14           ~~the University of Vermont, and the Executive Director or designee for the~~  
15           ~~Department of State’s Attorneys and Sheriffs~~ shall act as the employer  
16           representatives in collective bargaining negotiations and administration. The  
17           representative shall be responsible for ~~insuring~~ ensuring consistency in the  
18           terms and conditions in various agreements throughout the State service,  
19           ~~insuring~~ and ensuring compatibility with merit system statutes and principles,  
20           and shall not agree to any terms or conditions for which there are not adequate  
21           funds available.

1 Sec. 6. 3 V.S.A. § 908 is added to read:

2 § 908. DESIGNATION OF STATE’S ATTORNEYS’ EMPLOYEES;

3 LIMITED BARGAINING RIGHTS

4 Employees of the State’s Attorney’s offices shall be part of one or more  
5 statewide bargaining units, as determined to be appropriate by the Board  
6 pursuant to section 941 of this title, for the purpose of bargaining collectively  
7 in relation to the matters set forth in subsection 904(c) of this subchapter.

8 Sec. 7. 3 V.S.A. § 925 is amended to read:

9 § 925. MEDIATION; FACT FINDING

10 \* \* \*

11 (k) In the case of the State of Vermont or the Department of State’s  
12 Attorneys and Sheriffs, the decision of the Board shall be final, and the terms  
13 of the chosen agreement shall be binding on each party, subject to  
14 appropriations in accordance with subsection 982(d) of this title. In the case of  
15 the University of Vermont or the Vermont State Colleges, the decision of the  
16 Board shall be final and binding on each party.

17 \* \* \*

18 Sec. 8. 3 V.S.A. § 982 is amended to read:

19 § 982. AGREEMENTS; LIMITATIONS, RENEGOTIATION, AND

20 RENEWAL

21 \* \* \*

1 (c) Except in the case of the Vermont State Colleges or the University of  
2 Vermont, agreements between the State, or the Department of State's  
3 Attorneys and Sheriffs, and certified bargaining units which are not arrived at  
4 under the provisions of subsection 925(i) of this title shall, after ratification by  
5 the appropriate unit memberships, be submitted to the Governor who shall  
6 request sufficient funds from the General Assembly to implement the  
7 agreement. If the General Assembly appropriates sufficient funds, the  
8 agreement shall become effective at the beginning of the next fiscal year. If  
9 the General Assembly appropriates a different amount of funds, the terms of  
10 the agreement affected by that appropriation shall be renegotiated based on the  
11 amount of funds actually appropriated by the General Assembly, and the  
12 agreement with the negotiated changes shall become effective at the beginning  
13 of the next fiscal year.

14 \* \* \*

15 (g) In the event the State of Vermont, the Department of State's Attorneys  
16 and Sheriffs, the University of Vermont, and the Vermont State Colleges as  
17 employer and the collective bargaining unit are unable to arrive at an  
18 agreement and there is not an existing agreement in effect, the existing contract  
19 shall remain in force until a new contract is ratified by the parties. However,  
20 nothing in this subsection shall prohibit the parties from agreeing to a

1 modification of certain provisions of the existing contract which, as amended,  
2 shall remain in effect until a new contract is ratified by the parties.

3 \* \* \*

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**OPTION 2: Local Bargaining**

\* \* \* Collective Bargaining \* \* \*

\* \* \*

Sec. 6. 3 V.S.A. § 908 is added to read:

§ 908. DESIGNATION OF STATE’S ATTORNEYS’ EMPLOYEES;

STATEWIDE AND LOCAL BARGAINING RIGHTS

(a) The employees of the State’s Attorney’s offices may be part of a one or more statewide bargaining units, or one or more officewide bargaining units, or both. Each bargaining unit shall be determined by the Board pursuant to section 941 of this title.

(b)(1) The representative of a statewide bargaining unit may bargain collectively with the Department of State’s Attorneys and Sheriffs in relation to the matters set forth in subdivision 904(c)(1) of this subchapter.

(2) The representative of an officewide bargaining unit may bargain collectively with the State’s Attorney for that office in relation to the matters set forth in subdivision 904(c)(2) of this subchapter.