

1 H.334

2 Introduced by Representatives Gannon of Wilmington, Gardner of Richmond,

3 Hooper of Burlington, and Mrowicki of Putney

4 Referred to Committee on

5 Date:

6 Subject: Executive; classification of State personnel; State Employees Labor

7 Relations Act; Judiciary Employees Labor Relations Act; temporary

8 State employees

9 Statement of purpose of bill as introduced: This bill proposes to clarify
10 requirements related to the use of temporary State employees and to permit
11 long-term temporary State employees to collectively bargain.

12 An act relating to temporary State employees

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

14 Sec. 1. 3 V.S.A. § 323 is amended to read:

15 § 323. DEFINITIONS

16 As used in this chapter, unless the context clearly requires otherwise:

17 * * *

18 (2) “Bona fide emergency” means an unanticipated need for short-term
19 staffing:

1 (A) to prevent significant disruption to the continued operation of
2 State government;

3 (B) to avoid serious or imminent harm to the public, critical services,
4 or other staff; or

5 (C) that would jeopardize public safety.

6 (3) “Class” means one or more positions sufficiently similar in nature,
7 scope, and accountability that the same title, test of fitness, and schedule of
8 compensation may be applied to each position.

9 ~~(3)~~(4) “Job evaluation” means the systematic method used to determine
10 the value of each job in relation to other jobs within the State service.

11 Sec. 2. 3 V.S.A. § 331 is amended as follows:

12 § 331. TEMPORARY EMPLOYEES

13 (a) The State shall not employ any person in a temporary capacity except in
14 accordance with the provisions of this section.

15 (b)(1) On request of the appointing authority, the Commissioner of Human
16 Resources may approve, in writing, the creation of a temporary position and
17 the hiring of a person to fill such temporary position only if the position and
18 person are needed:

19 (A) to meet a seasonal employment need of State government;

20 (B) to respond to a bona fide emergency;

1 (C) to fill in for the temporary absence of an existing employee, or a
2 vacancy in an existing position; or

3 (D) to perform a governmental function that requires only
4 intermittent, sporadic, or ongoing employment ~~that averages less than 20 hours~~
5 ~~per week during any one calendar year~~, provided that such employment does
6 not exceed 1,280 work hours in any one calendar year.

7 * * *

8 (c)(1) The Commissioner may authorize the continued employment of a
9 person in a temporary capacity for more than 1,280 work hours in any one
10 calendar year if the Commissioner determines, in writing, that a bona fide
11 emergency exists for the appointing authority that requires such continued
12 employment. Annually, on or before January 15, the Commissioner shall
13 submit a report to the House Committee on General, Housing, and Military
14 Affairs and the House and Senate Committees on Government Operations:

15 * * *

16 (2) It shall be the responsibility of the head of each department to
17 provide to the Department of Human Resources a detailed justification for each
18 waiver to exceed the 1,280-work-hour limit within his or her department and
19 such other information as may be required in order to enable that department to
20 carry out its responsibility under this section.

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

2 § 902. DEFINITIONS

3 As used in this chapter:

4 * * *

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

11 (A) exempt or excluded from the State classified service under the
12 provisions of section 311 of this title, except that the following types of
13 employees are included within the meaning of “State employee”:

14 (i) State Police in the Department of Public Safety;

15 (ii) employees of the Defender General, excluding attorneys
16 employed directly by the Defender General and attorneys contracted to provide
17 legal services;

18 (iii) deputy State’s Attorneys;

19 (iv) individuals employed in temporary, seasonal, or intermittent
20 positions who work more than 1,280 hours per year in one or more such
21 positions for a period of two years, or who are designated as temporary

1 employees but whose employment does not comply with the requirements of
2 subsection 331(b) of this title; and

3 (v) employees of State's Attorneys' offices ~~are included within the~~
4 ~~meaning of "State employee";~~

5 * * *

6 Sec. 4. 3 V.S.A. § 1011 is amended to read:

7 § 1011. DEFINITIONS

8 As used in this chapter:

9 * * *

10 (8) "Employee;" means any individual employed and compensated on a
11 permanent or limited status basis by the Judiciary Department, including
12 permanent part-time employees and any individual whose employment has
13 ceased as a consequence of, or in connection with, any current labor dispute or
14 because of an unfair labor practice. "Employee" does not include any of the
15 following:

16 * * *

17 (E) an individual employed on a temporary, contractual, seasonal, or
18 on-call basis, including an intern, provided that:

19 (i) the individual was hired to:

20 (I) temporarily replace an employee on vacation, medical leave,
21 or another leave of absence;

