

1 S.127

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

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

6 Relations Act; Judiciary Employees Labor Relations Act; temporary

7 State employees

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

11 An act relating to the definition and rights of temporary State employees

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

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

14 § 323. DEFINITIONS

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

16 \* \* \*

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

19 (A) to prevent significant disruption to the continued operation of  
20 State government;

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

3           (C) that would jeopardize public safety.

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

7           ~~(3)~~(4) “Job evaluation” means the systematic method used to determine  
8           the value of each job in relation to other jobs within the State service.

9           (5) “Seasonal employment” means a temporary position that is available  
10          for only a portion of the year, has a defined beginning and end date, and may  
11          repeat on a yearly basis.

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

13          § 331. TEMPORARY EMPLOYEES

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

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

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

21                  (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. Authorization for temporary employment beyond 1,280 work  
13 hours in a year shall not be necessary for seasonal employment. Annually, on  
14 or before January 15, the Commissioner shall submit a report to the House  
15 Committee on General, Housing, and Military Affairs and the House and  
16 Senate Committees on Government Operations:

17 (A) identifying the total number of temporary employees who have  
18 worked 1,280 hours or more in the prior calendar year;

19 (i) ~~1,280 hours in the prior calendar year; or~~

20 (ii) ~~in excess of 1,280 hours in the prior calendar year;~~

21 \* \* \*







1 because of an unfair labor practice. "Employee" does not include any of the  
2 following:

3 \* \* \*

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

6 (i) the individual was hired to:

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

9 (II) accommodate peak or increased workloads; or

10 (III) replace or supplement permanent employees working on  
11 special assignments or projects not normally included in the duties of  
12 permanent employees; and

13 (ii) the individual has not worked more than 1,280 hours per year  
14 in one or more such positions for a period of two years;

15 \* \* \*

16 Sec. 5. EFFECTIVE DATE

17 This act shall take effect on July 1, 2019.