

1 S.152

2 Introduced by Senator Baruth

3 Referred to Committee on

4 Date:

5 Subject: Executive; education; labor; collective bargaining; agency fee;  
6 employment practices; good cause employment

7 Statement of purpose of bill as introduced: This bill proposes to require  
8 employers to provide employee contact information in relation to an effort to  
9 organize a collective bargaining unit; to provide for the automatic deduction of  
10 union dues from members' paychecks; to permit unions to meet with new  
11 employees for the purpose of providing them with information regarding union  
12 membership; to amend the law related to the use of State grant funds in  
13 relation to union organizing; and to establish a good cause standard for  
14 termination of employment in Vermont.

15 An act relating to collective bargaining

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

17 \* \* \* Bargaining Unit Contact Information \* \* \*

18 Sec. 1. 3 V.S.A. § 941 is amended to read:

19 § 941. UNIT DETERMINATION, CERTIFICATION, AND

20 REPRESENTATION

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(c) A petition may be filed with the Board, in accordance with procedures prescribed by the Board:

(1) By an employee or group of employees, or any individual or employee organization purporting to act in their behalf, alleging by filing a petition or petitions bearing signatures of not less than 30 percent of the employees, that they wish to form a bargaining unit and be represented for collective bargaining, or that the individual or employee organization currently certified as bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit, or that they are now included in an approved bargaining unit and wish to form a separate bargaining unit under Board criteria for purposes of collective bargaining.

(2)(A)(i) An employee or group of employees, or any individual or employee organization purporting to act in their behalf, that is seeking to determine interest in the formation of a bargaining unit or representation for collective bargaining may petition the employer and the Board for a list of the employees in the proposed bargaining unit.

(ii) An employee or group of employees, or any person purporting to act on their behalf, that is seeking to demonstrate that the individual or employee organization currently certified as bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit shall

1 not be entitled to obtain a list of the employees in the proposed bargaining unit  
2 pursuant to this subdivision (c)(2).

3 (B) Within 10 business days after receiving the petition, the employer  
4 shall file with the Board and the employee or group of employees, or the  
5 individual or employee organization purporting to act in their behalf, a list of  
6 the employees in the proposed bargaining unit. The list shall comply with the  
7 requirements of subdivisions (e)(2)(B) and (C) of this section.

8 \* \* \*

9 (e)(1) Whenever, as a result of a petition and an appropriate hearing, the  
10 Board finds substantial interest among employees in forming a bargaining unit,  
11 a secret ballot election shall be conducted by the Board to be taken in such  
12 manner as to show separately the wishes of the employees in the voting group  
13 involved as to the determination of the collective bargaining unit, including the  
14 right not to be organized. In order for a collective bargaining unit to be  
15 recognized and certified by the Board, there must be a majority vote cast by  
16 those employees voting.

17 (2)(A) Unless the employer and labor organization agree to a longer  
18 period, within five business days after the Board determines that substantial  
19 interest exists and a secret ballot election shall be conducted, the employer  
20 shall file with the Board and the labor organization that will be named on the  
21 ballot a list of the employees in the bargaining unit.

1           (B) The list shall include, as appropriate, each employee's name,  
2           work location, shift, job classification, and contact information. As used in  
3           this subdivision (2), "contact information" includes an employee's home  
4           address, personal e-mail address, and home and personal cellular telephone  
5           numbers.

6           (C) To the extent possible, the list of employees shall be in  
7           alphabetical order by last name and provided in electronic format.

8           (D) Failure to file the list within the time required pursuant to  
9           subdivision (A) of this subdivision (2) shall be grounds for the Board to set  
10          aside the results of the election if an objection is filed within the time required  
11          pursuant to the Board's rules.

12   \* \* \*

13          Sec. 2. 16 V.S.A. § 1992 is amended to read:

14          § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

15          (a)(1) An organization purporting to represent a majority of all of the  
16          teachers or administrators employed by the school board may be recognized by  
17          the school board without the necessity of a referendum upon the submission of  
18          a petition bearing the valid signatures of a majority of the teachers or  
19          administrators employed by that school board. Within 15 days after receiving  
20          the petition the school board shall notify the teachers or administrators of the  
21          school district in writing of its intention to either require or waive a secret

1 ballot referendum. If the school board gives notice of its intention to waive a  
2 referendum and recognize an organization, 10 percent of the teachers or  
3 administrators employed by the school board may submit a petition within  
4 15 days thereafter, objecting to the granting or recognition without a  
5 referendum, in which event a secret ballot referendum shall be held in the  
6 district for the purpose of choosing an exclusive representative according to the  
7 guidelines for referendum contained in this legislation.

8 (2)(A)(i) An organization seeking to represent the teachers or  
9 administrators employed by a school board may petition the school board and  
10 the Vermont Labor Relations Board for a list of the teachers or administrators  
11 in the proposed bargaining unit.

12 (ii) An organization, or group of teachers or administrators, or any  
13 person purporting to act on their behalf, that is seeking to demonstrate that the  
14 teachers' or administrators' organization that is currently the exclusive  
15 representative of the teachers or administrators is no longer supported by a  
16 majority of the teachers or administrators employed by that school board shall  
17 not be entitled to obtain a list of the employees in the proposed bargaining unit  
18 pursuant to this subdivision (a)(2).

19 (B) Within 10 business days after receiving the petition, the school  
20 board shall file with the Vermont Labor Relations Board and the organization a  
21 list of the teachers or administrators in the proposed bargaining unit. The list

1 shall comply with the requirements of subdivisions (c)(2)(B) and (C) of this  
2 section.

3 \* \* \*

4 (c)(1) A secret ballot referendum shall be held any time that 20 percent of  
5 the teachers or administrators employed by the school board present a petition  
6 requesting a referendum on the matter of representation, except during a period  
7 of prior recognition, as ~~hereinbefore~~ provided pursuant to subsection (b) of this  
8 section. Any organization interested in representing teachers or administrators  
9 in the school district shall have the right to appear on the ballot by submitting a  
10 petition supported by ten percent or more of the teachers or administrators in  
11 the school district.

12 (2)(A) Unless the school board and the organization agree to a longer  
13 period, within five business days after the petition is presented, the school  
14 board shall file with the organization that will be named on the ballot a list of  
15 the teachers or administrators in the bargaining unit.

16 (B) The list shall include, as appropriate, each teacher's or  
17 administrator's name, work location, job classification, and contact  
18 information. As used in this subdivision (2), "contact information" includes a  
19 teacher's or administrator's home address, personal e-mail address, and home  
20 and personal cellular telephone numbers.

1           (C) To the extent possible, the list of teachers or administrators shall  
2 be in alphabetical order by last name and provided in electronic format.

3           (D) Failure to file the list within the time required pursuant to  
4 subdivision (A) of this subdivision (2) shall be an unfair labor practice and  
5 grounds for the Vermont Labor Relations Board to set aside the results of the  
6 referendum if an unfair labor practice charge is filed not more than 10 business  
7 days after the referendum.

8   \* \* \*

9       Sec. 3. 21 V.S.A. § 1581 is amended to read:

10       § 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,  
11                         HEARINGS, DETERMINATIONS

12       (a)(1) A petition may be filed with the Board, in accordance with  
13 regulations prescribed by the Board:

14       ~~(A)~~(A) By an employee or group of employees, or any individual or  
15 labor organization acting in their behalf, alleging that not less than 30 percent  
16 of the employees;

17       ~~(A)~~(i) wish to be represented for collective bargaining and that their  
18 employer declines to recognize their representative as the representative  
19 defined in section 1583 of this title; or

20       ~~(B)~~(ii) assert that the individual or labor organization ~~which~~ that has  
21 been certified or is being currently recognized by their employer as the

1 bargaining representative; is no longer a representative as defined in  
2 section 1583 of this title.

3 ~~(2)(B)~~ By an employer, alleging that one or more individuals or labor  
4 organizations have presented to him or her a claim to be recognized as the  
5 representative defined in section 1583 of this title.

6 (2)(A)(i) An employee or group of employees, or any individual or  
7 employee organization purporting to act in their behalf, that is seeking to  
8 determine interest in the formation of a bargaining unit or representation for  
9 collective bargaining may petition the employer and the Board for a list of the  
10 employees in the proposed bargaining unit.

11 (ii) An employee or group of employees, or any person purporting  
12 to act on their behalf, that is seeking to demonstrate that the individual or  
13 employee organization currently certified as bargaining representative is no  
14 longer a representative as defined in section 1583 of this title shall not be  
15 entitled to obtain a list of the employees in the proposed bargaining unit  
16 pursuant to this subdivision (a)(2).

17 (B) Within 10 business days after receiving the petition, the employer  
18 shall file with the Board and the employee or group of employees, or the  
19 individual or employee organization purporting to act in their behalf, a list of  
20 the employees in the proposed bargaining unit. The list shall comply with the  
21 requirements of subdivisions (b)(1)(A)(ii)(II) and (III) of this section.



1           (b)(1) The Board shall investigate the petition and if it has reasonable cause  
2 to believe that a question of representation exists shall provide for an  
3 appropriate hearing before the Board itself, a member thereof, or its agents  
4 appointed for that purpose upon due notice. Written notice of the hearing shall  
5 be mailed by certified mail to the parties named in the petition not less than  
6 seven days before the hearing.

7           (2)(A) If the Board finds upon the record of the hearing that a question  
8 of representation exists, it shall conduct an election by secret ballot marked at  
9 the place of election and certify to the parties, in writing, the results ~~thereof~~ of  
10 the election.

11           (B)(i) Unless the employer and the individual or labor organization  
12 seeking to represent the bargaining unit agree to a longer period, within five  
13 business days after the Board determines that a secret ballot election shall be  
14 conducted, the employer shall file with the Board and the individual or labor  
15 organization that will be named on the ballot a list of the employees in the  
16 bargaining unit.

17           (ii) The list shall include, as appropriate, each employee's name,  
18 work location, shift, job classification, and contact information. As used in  
19 this subdivision (B), "contact information" includes an employee's home  
20 address, personal e-mail address, and home and personal cellular telephone  
21 numbers.

1           (iii) To the extent possible, the list of employees shall be in  
2           alphabetical order by last name and provided in electronic format.

3           (iv) Failure to file the list within the time required pursuant to  
4           subdivision (i) of this subdivision (B) shall be grounds for the Board to set  
5           aside the results of the election if an objection is filed within the time required  
6           pursuant to the Board's rules.

7           (c) In determining whether or not a question of representation exists, ~~it~~ the  
8           Board shall apply the same regulations and rules of decision regardless of the  
9           identity of the persons filing the petition or the kind of relief sought.

10   \* \* \*

11           Sec. 4. 21 V.S.A. § 1724 is amended to read:

12           § 1724. CERTIFICATION PROCEDURE

13           (a)(1) A petition may be filed with the Board, in accordance with  
14           regulations prescribed by the Board:

15           ~~(A)~~ By an employee or group of employees, or any individual or  
16           employee organization purporting to act in their behalf, alleging that not less  
17           than 30 percent of the employees, wish to form a bargaining unit and be  
18           represented for collective bargaining, or assert that the individual or employee  
19           organization currently certified as bargaining agent is no longer supported by  
20           at least 51 percent of the employees in the bargaining unit, or that not less than  
21           51 percent of the employees now included in an approved bargaining unit wish

1 to form a separate bargaining unit under Board criteria for purposes of  
2 collective bargaining.

3 ~~(2)(B)~~ By the employer alleging that the presently certified bargaining  
4 unit is no longer appropriate under Board criteria.

5 (2)(A)(i) An employee or group of employees, or any individual or  
6 employee organization purporting to act in their behalf, that is seeking to  
7 determine interest in the formation of a bargaining unit or representation for  
8 collective bargaining may petition the employer and the Board for a list of the  
9 employees in the proposed bargaining unit.

10 (ii) An employee or group of employees, or any person purporting  
11 to act on their behalf, that is seeking to demonstrate that the individual or  
12 employee organization currently certified as bargaining agent is no longer  
13 supported by at least 51 percent of the employees in the bargaining unit shall  
14 not be entitled to obtain a list of the employees in the proposed bargaining unit  
15 pursuant to this subdivision (a)(2).

16 (B) Within 10 business days after receiving the petition, the employer  
17 shall file with the Board and the employee or group of employees, or the  
18 individual or employee organization purporting to act in their behalf, a list of  
19 the employees in the proposed bargaining unit. The list shall comply with the  
20 requirements of subdivisions (e)(2)(B) and (C) of this section.

21 \* \* \*

1           (e)(1) In determining the representation of municipal employees in a  
2           collective bargaining unit, the Board shall conduct ~~a~~ an election by secret  
3           ballot of the employees and certify the results to the interested parties and to  
4           the employer. The original ballot shall be so prepared as to permit a vote  
5           against representation by anyone named on the ballot. No representative will  
6           be certified with less than a 51 percent affirmative vote of all votes cast. ~~In the~~  
7           ~~ease where~~ If it is asserted that the certified bargaining agent is no longer  
8           supported by at least 51 percent of the employees in the bargaining unit and  
9           there is no attempt to seek the election of another employee organization or  
10          individual as bargaining representative, there shall be at least 51 percent  
11          negative vote of all votes cast to decertify the existing bargaining agent.

12           (2)(A) Unless the employer and the individual or labor organization  
13          seeking to represent the bargaining unit agree to a longer period, within five  
14          business days after the Board determines that a secret ballot election shall be  
15          conducted, the employer shall file with the Board and the individual or labor  
16          organization that will be named on the ballot a list of the employees in the  
17          bargaining unit.

18           (B) The list shall include, as appropriate, each employee's name,  
19          work location, shift, job classification, and contact information. As used in  
20          this subdivision (2), "contact information" includes an employee's home

1 address, personal e-mail address, and home and personal cellular telephone  
2 numbers.

3 (C) To the extent possible, the list of employees shall be in  
4 alphabetical order by last name and provided in electronic format.

5 (D) Failure to file the list within the time required pursuant to  
6 subdivision (A) of this subdivision (2) shall be grounds for the Board to set  
7 aside the results of the election if an objection is filed within the time required  
8 pursuant to the Board's rules.

9 \* \* \*

10 \* \* \* Automatic Membership Dues Deduction \* \* \*

11 Sec. 5. 3 V.S.A. § 903 is amended to read:

12 § 903. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

13 \* \* \*

14 (e) Employees who are members of the employee organization shall have  
15 the right to request and be granted automatic membership dues deductions.

16 Upon receipt of a signed authorization to commence automatic membership  
17 dues deductions from an employee, the employer shall, no later than the next  
18 pay period after receiving the authorization, commence withholding from the  
19 employee's wages the amount of membership dues certified by the employee  
20 organization. The employer shall transmit the amount withheld to the  
21 employee organization on the same day as the employee is paid.

1 Sec. 6. 3 V.S.A. § 1012 is amended to read:

2 § 1012. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

3 \* \* \*

4 (e) Employees who are members of the employee organization shall have  
5 the right to request and be granted automatic membership dues deductions.  
6 Upon receipt of a signed authorization to commence automatic membership  
7 dues deductions from an employee, the employer shall, no later than the next  
8 pay period after receiving the authorization, commence withholding from the  
9 employee's wages the amount of membership dues certified by the employee  
10 organization. The employer shall transmit the amount withheld to the  
11 employee organization on the same day as the employee is paid.

12 Sec. 7. 16 V.S.A. § 1982 is amended to read:

13 § 1982. RIGHTS

14 \* \* \*

15 (f) A teacher or administrator who is a member of the teachers' or  
16 administrators' organization shall have the right to request and be granted  
17 automatic membership dues deductions. Upon receipt of a signed  
18 authorization to commence automatic membership dues deductions from a  
19 teacher or administrator, the school board shall, no later than the next pay  
20 period after receiving the authorization, commence withholding from the  
21 teacher's or administrator's wages the amount of membership dues certified by

1 the teachers' or administrators' organization. The school board shall transmit  
2 the amount withheld to the teachers' or administrators' organization on the  
3 same day as the teacher or administrator is paid.

4 Sec. 8. 21 V.S.A. § 1737 is added to read:

5 § 1737. AUTOMATIC MEMBERSHIP DUES DEDUCTION

6 Employees who are members of the employee organization shall have the  
7 right to request and be granted automatic membership dues deductions. Upon  
8 receipt of a signed authorization to commence automatic membership dues  
9 deductions from an employee, the employer shall, no later than the next pay  
10 period after receiving the authorization, commence withholding from the  
11 employee's wages the amount of membership dues certified by the employee  
12 organization. The employer shall transmit the amount withheld to the  
13 employee organization on the same day as the employee is paid.

14 \* \* \* Access to Employees in Bargaining Unit \* \* \*

15 Sec. 9. 3 V.S.A. § 909 is added to read:

16 § 909. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

17 (a) An employer shall provide the employee organization that is the  
18 exclusive representative of the employees in a bargaining unit with an  
19 opportunity to meet with each newly hired employee in the bargaining unit to  
20 present information about the employee organization to the new employee.

1       (b)(1) The meeting shall occur during the new employee's orientation or, if  
2       the employer does not conduct an orientation for newly hired employees,  
3       within 30 calendar days from the date on which the employee was hired.

4       (2) If the meeting is not held during the new employee's orientation, it  
5       shall be held during the new employee's regular work hours and at his or her  
6       regular worksite or a location mutually agreed to by the employer and the  
7       employee organization.

8       (3) The meeting shall be for not less than 60 minutes.

9       (4) The employee shall be paid for attending the meeting at his or her  
10       regular rate of pay.

11       (c) Within 10 days after hiring a new employee in a bargaining unit, the  
12       employer shall provide the employee organization with his or her name, job  
13       title, worksite location, work telephone number and e-mail address, and date of  
14       hire.

15       (d) The employer shall provide the employee organization with not less  
16       than 10 days' notice of an orientation for newly hired employees in a  
17       bargaining unit.

18       Sec. 10. 3 V.S.A. § 1022 is added to read:

19       § 1022. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

20       (a) An employer shall provide the employee organization that is the  
21       exclusive representative of the employees in a bargaining unit with an



1 opportunity to meet with each newly hired employee in the bargaining unit to  
2 present information about the employee organization to the new employee.

3 (b)(1) The meeting shall occur during the new employee's orientation or, if  
4 the employer does not conduct an orientation for newly hired employees,  
5 within 30 calendar days from the date on which the employee was hired.

6 (2) If the meeting is not held during the new employee's orientation, it  
7 shall be held during the new employee's regular work hours and at his or her  
8 regular worksite or a location mutually agreed to by the employer and the  
9 employee organization.

10 (3) The meeting shall be for not less than 60 minutes.

11 (4) The employee shall be paid for attending the meeting at his or her  
12 regular rate of pay.

13 (c) Within 10 days after hiring a new employee in a bargaining unit, the  
14 employer shall provide the employee organization with his or her name, job  
15 title, worksite location, work telephone number and e-mail address, and date of  
16 hire.

17 (d) The employer shall provide the employee organization with not less  
18 than 10 days' notice of an orientation for newly hired employees in a  
19 bargaining unit.

1 Sec. 11. 16 V.S.A. 1984 is added to read:

2 § 1984. ACCESS TO NEW TEACHERS OR ADMINISTRATORS IN  
3 BARGAINING UNIT

4 (a) A school board shall provide a teachers' or administrators' organization  
5 that is the exclusive representative of the teachers or administrators in a  
6 bargaining unit with an opportunity to meet with each newly hired teacher or  
7 administrator in the bargaining unit to present information about the teachers'  
8 or administrators' organization to the newly hired teacher or administrator.

9 (b)(1) The meeting shall occur during the new teacher's or administrator's  
10 orientation or, if the school board does not conduct an orientation for newly  
11 hired teachers or administrators, within 30 calendar days from the date on  
12 which the teacher or administrator was hired.

13 (2) If the meeting is not held during the new teacher's or administrator's  
14 orientation, it shall be held during the new teacher's or administrator's regular  
15 work hours and at his or her regular worksite or a location mutually agreed to  
16 by the school board and the teacher's or administrator's organization.

17 (3) The meeting shall be for not less than 60 minutes.

18 (4) The teacher or administrator shall be paid for attending the meeting  
19 at his or her regular rate of pay.

20 (c) Within 10 days after hiring a new teacher or administrator, the school  
21 board shall provide the teacher's or administrator's organization, as

1 appropriate, with his or her name, job title, worksite location, work telephone  
2 number and e-mail address, and date of hire.

3 (d) The school board shall provide the teacher's or administrator's  
4 organization with not less than 10 days' notice of an orientation for newly  
5 hired teachers or administrators in its bargaining unit.

6 Sec. 12. 21 V.S.A. § 1738 is added to read:

7 § 1738. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

8 (a) An employer shall provide the employee organization that is the  
9 exclusive representative of the employees in a bargaining unit with an  
10 opportunity to meet with each newly hired employee in the bargaining unit to  
11 present information about the employee organization to the new employee.

12 (b)(1) The meeting shall occur during the new employee's orientation or, if  
13 the employer does not conduct an orientation for newly hired employees,  
14 within 30 calendar days from the date on which the employee was hired.

15 (2) If the meeting is not held during the new employee's orientation, it  
16 shall be held during the new employee's regular work hours and at his or her  
17 regular worksite or a location mutually agreed to by the employer and the  
18 employee organization.

19 (3) The meeting shall be for not less than 60 minutes.

20 (4) The employee shall be paid for attending the meeting at his or her  
21 regular rate of pay.

1       (c) Within 10 days after hiring a new employee in a bargaining unit, the  
2       employer shall provide the employee organization with his or her name, job  
3       title, worksite location, work telephone number and e-mail address, and date of  
4       hire.

5       (d) The employer shall provide the employee organization with not less  
6       than 10 days' notice of an orientation for newly hired employees in a  
7       bargaining unit.

8                   \* \* \* State Funds in Relation to Union Organizing \* \* \*

9       Sec. 13. 21 V.S.A. § 496a is amended to read:

10       § 496a. STATE FUNDS; UNION ORGANIZING

11       (a) An employer that is the recipient of a grant of State funds in a single  
12       grant of more than \$1,000.00 shall certify to the State that none of the funds  
13       will be used to interfere with or restrain the exercise of an employee's rights  
14       with respect to unionization ~~or for activities directly related to influencing or~~  
15       coercing employees with respect to unionization or union organizing, and upon  
16       request shall provide records to the ~~Attorney General or~~ Secretary of  
17       Administration ~~which~~ that attest to such certification.

18       (b)(1) An employer that is the recipient of a grant of State funds in a single  
19       grant of more than \$1,000.00 shall not use the funds to interfere with or  
20       restrain the exercise of an employee's rights with respect to unionization or for

1 activities directly related to influencing or coercing employees with respect to  
2 unionization or union organizing.

3 (2)(A) An employer that violates subdivision (1) of this subsection shall  
4 be liable to the State for two times the amount of the funds expended in  
5 violation of subdivision (1) of this subsection and shall also be assessed a civil  
6 penalty equal to not more than two times the amount of the funds expended in  
7 violation of subdivision (1) of this subsection.

8 (B) The Attorney General may conduct an investigation of an alleged  
9 violation of this subsection and may enforce the provisions of this subsection  
10 by bringing a civil action. An investigation shall not be a prerequisite to  
11 bringing a civil action.

12 \* \* \* Good Cause Employment \* \* \*

13 Sec. 14. FINDINGS

14 The General Assembly finds that:

15 (1) The Vermont statutes offer workers protection from many forms of  
16 arbitrary or discriminatory treatment in the workplace.

17 (2) Some Vermont workers enjoy protections from termination for no  
18 reason or termination for an arbitrary, capricious, trivial, or pretextual reason  
19 pursuant to a collective bargaining agreement or contract.

20 (3) Other Vermont workers, however, do not enjoy such protections.  
21 Those workers are known as “at-will” employees. An “at-will” employee may

1 be discharged for any reason that is not prohibited by law or public policy, or  
2 for no reason at all.

3 (4) Currently, absent an agreement between an employer and an  
4 employee to the contrary, an employee is presumed to be an “at-will”  
5 employee in 49 out of 50 U.S. states.

6 (5) However, Montana and most industrialized countries provide  
7 workers with legal protections against arbitrary dismissal. Among other  
8 things, Montana’s law makes it illegal to discharge an employee for other than  
9 “good cause” after the employee has completed his or her probationary period.  
10 “Good cause” can include a variety of legitimate business reasons, including  
11 an employee’s failure to perform his or her job duties satisfactorily, disruption  
12 to the employer’s operations, or other economic factors.

13 (6) The additional job security that a “good cause” standard for  
14 dismissal provides will distinguish Vermont from other states and make it a  
15 more attractive place for workers and families to relocate, live, and raise  
16 children.

17 Sec. 15. 21 V.S.A § 495 is amended to read:

18 § 495. UNLAWFUL EMPLOYMENT PRACTICE

19 \* \* \*

20 (b)(1) It shall be an unlawful employment practice for an employer to  
21 discharge an employee for other than good cause shown. As used in this

1 subdivision, “good cause” means either a reasonable, good-faith reason for  
2 discharge related to a legitimate business reason or that the employee has been  
3 employed by the employer for fewer than 90 days. “Good cause” does not  
4 include reasons for discharge that are trivial, arbitrary, capricious, or otherwise  
5 unrelated to a legitimate business reason.

6 (2) The provisions of this section shall not be construed to limit:

7 (A) the rights of employers to discharge employees for good cause  
8 shown; or

9 (B) any other rights of employees provided pursuant to law or in a  
10 collective bargaining agreement or contract.

11 \* \* \*

12 \* \* \* Effective Date \* \* \*

13 Sec. 16. EFFECTIVE DATE

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