

1 S.226

2 Introduced by Senator Perchlik

3 Referred to Committee on

4 Date:

5 Subject: Education; collective bargaining; Commission on Public School

6 Employee Health Benefits

7 Statement of purpose of bill as introduced: This bill proposes to allow the
8 Commission on Public School Employee Health Benefits to allocate premium
9 and out-of-pocket responsibilities between employers and employees based on
10 the ability of the employee to pay these expenses, to permit an arbitrator
11 resolving a dispute for the Commission greater latitude in fashioning a
12 resolution, and to establish a process for the Commission to request and
13 receive information necessary for the negotiations.

14 An act relating to statewide public school employee health benefits

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

16 Sec. 1. 16 V.S.A. § 2102 is amended to read:

17 § 2102. COMMISSION ON PUBLIC SCHOOL EMPLOYEE HEALTH

18 BENEFITS CREATED

19 * * *

1 (g) Release time. A school district that employs a member of the
2 Commission who represents school employees shall grant the Commission
3 member time off as necessary for the member to attend meetings of the
4 Commission.

5 (h) Staffing and expenses. The Commission may hire staff as it deems
6 necessary to carry out its duties under this chapter. Compensation for
7 Commission staff and administrative expenses of the Commission shall be
8 shared equally by school employers and school employees. The
9 representatives of school employers and the representatives of school
10 employees shall equitably apportion their share of the costs of compensation
11 and administrative expenses among their members.

12 ~~(h)~~(i) Rulemaking. The Commission may adopt rules or procedures, or
13 both, pursuant to 3 V.S.A. chapter 25 as needed to carry out its duties under
14 this chapter.

15 Sec. 2. 16 V.S.A. § 2103 is amended to read:

16 § 2103. DUTIES OF THE COMMISSION

17 (a) The Commission shall determine the percentage of the premium for
18 individual, two-person, parent-child, and family coverage under a health
19 benefit plan that shall be borne by each school employer and the percentage
20 that shall be borne by participating employees.

1 (1) The premium responsibility percentages shall remain in effect for the
2 entire plan year.

3 (2) Each school employer shall be responsible for paying, on behalf of
4 all of its participating school employees, the applicable percentages of
5 premium costs as determined by the Commission.

6 (3) The premium responsibility percentages for each plan tier ~~shall be~~
7 ~~the same for all~~ may differ among participating employees to reflect an
8 employee's ability to pay based on the amount of the employee's salary.

9 (b)(1) The Commission shall determine:

10 (A) the amount of school employees' out-of-pocket expenses for
11 which the school employer and the school employees shall be responsible,
12 which may take into account an employee's ability to pay based on the amount
13 of the employee's salary; and

14 (B) whether school employers shall establish a health reimbursement
15 arrangement, a health savings account, both, or neither, for their participating
16 employees.

17 (2) The Commission also shall determine the extent to which the
18 employer or employee shall bear first dollar responsibility for out-of-pocket
19 expenses if using a health reimbursement arrangement and whether the balance
20 in a participating employee's health reimbursement arrangement shall roll over
21 from year to year.

1 ~~(3) The school employers' and school employees' responsibilities for~~
2 ~~out of pocket expenses for each plan tier shall be the same for all participating~~
3 ~~employees.~~

4 * * *

5 Sec. 3. 16 V.S.A. § 2104 is amended to read:

6 § 2104. NEGOTIATION; TIME TO BEGIN; GOOD FAITH; WRITTEN
7 AGREEMENT

8 (a)(1) The Commission shall commence negotiation of the matters set forth
9 in subsections 2103(a) and (b) of this chapter not later than April 1 of the year
10 before the existing agreement pursuant to this section is set to expire. On or
11 before November 1 of the year prior to commencement of bargaining, the
12 Commission shall request from the parties the negotiation data and information
13 that it anticipates needing for the negotiation, in a common format, and, on or
14 before February 1 of the year of bargaining, the parties shall submit to the
15 Commission the information requested.

16 * * *

17 Sec. 4. 16 V.S.A. § 2105 is amended to read:

18 § 2105. DISPUTE RESOLUTION

19 * * *

20 (b)(1) If the Commission is unable to resolve all matters remaining in
21 dispute within 30 days after receiving the fact finder's report, the Commission

1 shall submit the matters remaining in dispute to the arbitrator or arbitrators
2 selected pursuant to section 2104 of this chapter for resolution.

3 (2) The representatives of school employees and the representatives of
4 school employers shall submit to the arbitrator or arbitrators their last best
5 offer on all issues remaining in dispute.

6 (3) The arbitrator or arbitrators shall select one of the last best offers in
7 its entirety without amendment, provided, however, that if the arbitrator or
8 arbitrators determine that the last best offers submitted by both parties are
9 unreasonable and likely to produce undesirable results or to have a long-lasting
10 negative impact on the parties' collective bargaining relationship, then the
11 arbitrator or arbitrators may either:

12 (A) select the recommendations made by the fact finder in their
13 entirety pursuant to subdivision (a)(4) of this section; or

14 (B) select among the following on an issue-by-issue basis:

15 (i) the last best offer of the representatives of the school
16 employees; and

17 (ii) the last best offer of the representatives of the school
18 employers.

19 * * *

20 Sec. 5. 16 V.S.A. § 2108 is amended to read:

21 § 2108. DUTIES OF SCHOOL EMPLOYERS

1 Each school employer shall:

2 * * *

3 (3) contribute toward the out-of-pocket expenses of each participating
4 employee in the amounts and manner determined by the Commission to be the
5 employer's responsibility; ~~and~~

6 (4) participate in any health reimbursement arrangement or health
7 savings account, or both, in the amounts and to the extent determined by the
8 Commission; and

9 (5) provide the Commission with timely information as requested by the
10 Commission in the fulfillment of its duties.

11 Sec. 6. EFFECTIVE DATE

12 This act shall take effect on passage.