

1 S.254

2 Introduced by Senator Sirotkin

3 Referred to Committee on Economic Development, Housing and General
4 Affairs

5 Date: January 9, 2020

6 Subject: Executive; education; labor; human services; collective bargaining

7 Statement of purpose of bill as introduced: This bill proposes to require public
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 public employee union dues from members' paychecks; and to permit unions
11 to meet with new public employees for the purpose of providing them with
12 information regarding union membership.

13 An act relating to union organizing

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

15 ~~*** Bargaining Unit Contact Information ***~~

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

17 § 941. UNIT DETERMINATION, CERTIFICATION, AND
18 REPRESENTATION

19

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

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

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

17 (ii) An employee or group of employees, or any person purporting
18 to act on their behalf, that is seeking to demonstrate that the individual or
19 employee organization currently certified as bargaining agent is no longer
20 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 ~~puruant to this subdivision (c)(2).~~

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

8 ~~(d) The Board, a Board member thereof, or a person or persons designated~~
9 ~~by the Board shall investigate the petition, and do one of the following:~~

10 ~~(1) if If it finds reasonable cause to believe that a question of unit~~
11 ~~determination or representation exists, an appropriate hearing shall be~~
12 ~~scheduled before the Board upon due notice the Board shall schedule a hearing~~
13 ~~to be held before the Board not more than eight days after the petition was~~
14 ~~filed with the Board. The date of the hearing shall not be subject to change.~~

15 ~~Upon request, the results of the investigation shall be made available by the~~
16 ~~Board to the petitioners and all intervenors, if any, including the duly certified~~
17 ~~bargaining representative prior to giving notice of hearing as soon as~~
18 ~~practicable after the investigation is completed. Written notice of the hearing~~
19 ~~shall be mailed by certified mail to the parties named in the petition not less~~
20 ~~than seven calendar days before the hearing. Hearing procedure and~~

1 ~~notification of the results of same the hearing shall be in accordance with rules~~
2 ~~prescribed adopted by the Board, or.~~

3 (2) ~~dismiss the petition, based upon the~~ If the Board finds an absence of
4 substantive evidence, it shall dismiss the petition.

5 (e)(1) ~~Whenever, as a result of a petition and an appropriate hearing, the~~
6 ~~Board finds substantial interest among employees in forming a bargaining unit~~
7 ~~or being represent for purposes of collective bargaining, a secret ballot election~~
8 ~~shall be conducted by the Board to be taken in such manner as to show not~~
9 ~~more than 21 days after the petition is filed with the Board. The election shall~~
10 ~~be conducted so that it shows separately the wishes of the employees in the~~
11 ~~voting group involved as to the determination of the collective bargaining unit,~~
12 ~~including the right not to be organized. In order for a~~ The collective
13 bargaining unit to or collective bargaining representative shall be recognized
14 and certified by the Board, ~~there must be~~ upon a majority vote cast by those of
15 the employees voting.

16 (2)(A) ~~Unless the employer and labor organization agree to a longer~~
17 ~~period, within five business days after the Board determines that substantial~~
18 ~~interest exists and a secret ballot election shall be conducted, the employer~~
19 ~~shall file with the Board and the labor organization that will be named on the~~
20 ~~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) The list shall be kept confidential by the employer and the labor~~
9 ~~organization and shall be exempt from copying and inspection under the Public~~
10 ~~Records Act.~~

11 ~~(E) Failure to file the list within the time required pursuant to~~
12 ~~subdivision (A) of this subdivision (2) shall be grounds for the Board to set~~
13 ~~aside the results of the election if an objection is filed within the time required~~
14 ~~pursuant to the Board's rules.~~

15 * * *

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

17 § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

18 (a)(1) An organization purporting to represent a majority of all of the
19 teachers or administrators employed by the school board may be recognized by
20 the school board without the necessity of a referendum upon the submission of
21 a petition bearing the valid signatures of a majority of the teachers or

1 ~~nistrators employed by that school board. Within 15 days after receiving the~~
2 ~~petition the school board shall notify the teachers or administrators of the~~
3 ~~school district in writing of its intention to either require or waive a secret~~
4 ~~ballot referendum. If the school board gives notice of its intention to waive a~~
5 ~~referendum and recognize an organization, 10 percent of the teachers or~~
6 ~~administrators employed by the school board may submit a petition within~~
7 ~~15 days thereafter, objecting to the granting ~~or~~ of recognition without a~~
8 ~~referendum, in which event a secret ballot referendum shall be held in the~~
9 ~~district for the purpose of choosing an exclusive representative according to~~
10 ~~the guidelines for referendum contained in this legislation as provided pursuant~~
11 ~~to the provisions of this section.~~

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

16 (ii) An organization or group of teachers or administrators, or any
17 person purporting to act on their behalf, that is seeking to demonstrate that the
18 teachers' or administrators' organization that is currently the exclusive
19 representative of the teachers or administrators is no longer supported by a
20 majority of the teachers or administrators employed by that school board shall

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

3 (B) Within 10 business days after receiving the petition, the school
4 board shall file with the Vermont Labor Relations Board and the organization a
5 list of the teachers or administrators in the proposed bargaining unit. The list
6 shall comply with the requirements of subdivisions (c)(2)(B) and (C) of this
7 section.

8 * * *

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

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

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

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

8 ~~(D) The list shall be kept confidential by the school board and the~~
9 ~~organization and shall be exempt from copying and inspection under the Public~~
10 ~~Records Act.~~

11 ~~(E) Failure to file the list within the time required pursuant to~~
12 ~~subdivision (A) of this subdivision (2) shall be an unfair labor practice and~~
13 ~~grounds for the Vermont Labor Relations Board to set aside the results of the~~
14 ~~referendum if an unfair labor practice charge is filed not more than 10 business~~
15 ~~days after the referendum.~~

16 * * *

17 Sec. 3. 21 V.S.A. § 1724 is amended to read:

18 § 1724. CERTIFICATION PROCEDURE

19 (a)(1) A petition may be filed with the Board, in accordance with
20 ~~regulations prescribed rules adopted by the Board.~~

1 ~~(1)(A) By an employee or group of employees, or any individual or~~
2 ~~employee organization purporting to act in their behalf, alleging that not less~~
3 ~~than 30 percent of the employees, wish to form a bargaining unit and be~~
4 ~~represented for collective bargaining, or assert that the individual or employee~~
5 ~~organization currently certified as bargaining agent is no longer supported by~~
6 ~~at least 51 percent of the employees in the bargaining unit, or that not less than~~
7 ~~51 percent of the employees now included in an approved bargaining unit wish~~
8 ~~to form a separate bargaining unit under Board criteria for purposes of~~
9 ~~collective bargaining.~~

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

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

17 (ii) An employee or group of employees, or any person purporting
18 to act on their behalf, that is seeking to demonstrate that the individual or
19 employee organization currently certified as bargaining agent is no longer
20 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 ~~puruant to this subdivision (a)(2).~~

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

8 ~~(b) The Board, a Board member thereof, or a person or persons designated~~
9 ~~by the Board shall investigate the petition, and do one of the following:~~

10 ~~(1) if If it finds reasonable cause to believe that a question of unit~~
11 ~~determination or representation exists, an appropriate hearing shall be~~
12 ~~scheduled before the Board upon due notice. Written notice of the hearing~~
13 ~~shall be mailed by certified mail to the parties named in the petition not less~~
14 ~~than 14 calendar days before the hearing. the Board shall schedule a hearing to~~
15 ~~be held before the Board not more than eight days after the petition was filed~~
16 ~~with the Board. The date of the hearing shall not be subject to change.~~

17 ~~Hearing procedure and notification of the results thereof of the hearing shall be~~
18 ~~in accordance with rules prescribed adopted by the Board or.~~

19 ~~(2) dismiss the petition, based upon the If the Board finds an absence of~~
20 ~~substantive evidence it shall dismiss the petition.~~

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 election shall be held not more than 21 days after the~~
5 ~~petition is filed with the Board. The original ballot shall be so prepared as to~~
6 ~~permit a vote against representation by anyone named on the ballot. No~~
7 ~~representative will be certified with less than a 51 percent affirmative vote of~~
8 ~~all votes cast. ~~In the case where~~ If it is asserted that the certified bargaining~~
9 ~~agent is no longer supported by at least 51 percent of the employees in the~~
10 ~~bargaining unit and there is no attempt to seek the election of another~~
11 ~~employee organization or individual as bargaining representative, there shall~~
12 ~~be at least 51 percent negative vote of all votes cast to decertify the existing~~
13 ~~bargaining agent.~~

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

20 (B) The list shall include, as appropriate, each employee's name,
21 work location, shift, job classification, and contact information. As used in

1 ~~this subdivision (2). "contact information" includes an employee's home~~
2 ~~address, personal e-mail address, and home and personal cellular telephone~~
3 ~~number.~~

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

6 (D) The list shall be kept confidential by the employer and the
7 individual or labor organization seeking to represent the bargaining unit and
8 shall be exempt from copying and inspection under the Public Records Act.

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

13 * * *

14 Sec. 4. 33 V.S.A. § 3607 is amended to read:

15 § 3607. PETITIONS FOR ELECTION; FILING; INVESTIGATIONS;
16 HEARINGS; DETERMINATIONS

17 (a)(1) A petition may be filed with the Board in accordance with
18 ~~regulations prescribed~~ rules adopted by the Board:

19 ~~(1)(A)~~ (A) By an early care and education provider or group of providers or
20 ~~any individual or labor organization acting on the providers' behalf.~~

1 ~~(A)(i) alleging that not less than 30 percent of the providers in the~~
2 petitioned bargaining unit wish to be represented for collective bargaining and
3 that the State declines to recognize their representative as the representative
4 defined in this chapter; or

5 ~~(B)(ii) asserting that the labor organization that has been certified as~~
6 the bargaining representative no longer represents a majority of early care and
7 education providers.

8 ~~(2)(B) By the State alleging that one or more individuals or labor~~
9 organizations have presented a claim to be recognized as the exclusive
10 representative defined in this chapter.

11 ~~(2)(A)(i) An early care and education provider or group of providers, or~~
12 ~~any individual or labor organization acting on the providers' behalf, that is~~
13 ~~seeking to determine interest in the formation of a bargaining unit or~~
14 ~~representation for collective bargaining may petition the State and the Board~~
15 ~~for a list of the employees in the proposed bargaining unit.~~

16 ~~(ii) An early care and education provider or group of providers, or~~
17 ~~any individual or labor organization acting on the providers' behalf, that is~~
18 ~~seeking to demonstrate that the individual or employee organization currently~~
19 ~~certified as bargaining agent is no longer supported by at least 51 percent of~~
20 ~~the employees in the bargaining unit shall not be entitled to obtain a list of the~~
21 ~~employees in the proposed bargaining unit pursuant to this subdivision (a)(2).~~

1 ~~(B) Within 10 business days after receiving the petition, the State shall~~
2 ~~file with the Board and the early care and education provider or group of~~
3 ~~providers, or the individual or labor organization acting on the providers'~~
4 ~~behalf, a list of the employees in the proposed bargaining unit. The list shall~~
5 ~~comply with the requirements of subdivisions (b)(2)(B) and (C) of this section.~~

6 (b) The Board shall investigate ~~the~~ a petition filed pursuant to subdivision
7 (a)(1) of this section, and:

8 (1) if it has reasonable cause to believe that a question concerning
9 representation exists, shall conduct a hearing to be held before the Board not
10 more than eight days after the petition is filed with the Board. The date of the
11 hearing shall not be subject to change. The hearing shall be held before the
12 Board, a member of the Board, or ~~its agents,~~ a person or persons appointed for
13 that purpose ~~upon due notice. Written notice of the hearing shall be mailed by~~
14 ~~certified mail to the parties named in the petition not less than seven days~~
15 ~~before the hearing.~~ If the Board finds upon the record of the hearing that a
16 question of representation exists, it shall, not more than 21 days after the
17 petition is filed with the Board, conduct an election by secret ballot and certify
18 to the parties, in writing, the results of the election.

19 (2)(A) Unless the State and the individual or labor organization seeking
20 to represent the early care and education providers agree to a longer period,
21 within five business days after the Board determines that substantial interest

1 ~~exists and a secret ballot election shall be conducted, the State shall file with~~
2 the Board and the early care and education provider or group of providers or
3 the individual or labor organization acting on the providers' behalf that will be
4 named on the ballot a list of the employees in the bargaining unit.

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

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

12 (D) The list shall be kept confidential by the State and the individual
13 or labor organization seeking to represent the early care and education
14 providers and shall be exempt from copying and inspection under the Public
15 Records Act.

16 (E) Failure to file the list within the time required pursuant to
17 subdivision (A) of this subdivision (2) shall be grounds for the Board to set
18 aside the results of the election if an objection is filed within the time required
19 pursuant to the Board's rules.

1 ~~(c) In determining whether or not a question of representation exists, the~~
2 Board shall apply the same regulations and rules of decision-making regardless
3 of the identity of the persons filing the petition or the kind of relief sought.

4 * * *

5 * * * Automatic Membership Dues Deduction * * *

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

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

8 * * *

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

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

18 § 1012. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

19 * * *

20 (e) Employees who are members of the employee organization shall have
21 the right to automatic membership dues deductions. Upon receipt of a signed
22 authorization to commence automatic membership dues deductions from an

1 ~~employee, the employer shall, no later than the next pay period after receiving~~
2 ~~the authorization, commence withholding from the employee's wages the~~
3 ~~amount of membership dues certified by the employee organization. The~~
4 ~~employer shall transmit the amount withheld to the employee organization on~~
5 ~~the same day as the employee is paid.~~

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

7 § 1982. RIGHTS

8 * * *

9 (f) A teacher or administrator who is a member of the teachers' or
10 administrators' organization shall have the right to automatic membership dues
11 deductions. Upon receipt of a signed authorization to commence automatic
12 membership dues deductions from a teacher or administrator, the school board
13 shall, not later than the next pay period after receiving the authorization,
14 commence withholding from the teacher's or administrator's wages the
15 amount of membership dues certified by the teachers' or administrators'
16 organization. The school board shall transmit the amount withheld to the
17 teachers' or administrators' organization on the same day as the teacher or
18 administrator is paid.

1 ~~Sec. 8. 21 V.S.A. § 1645 is added to read:~~

2 § 1645. AUTOMATIC MEMBERSHIP DUES DEDUCTION

3 Independent direct support providers who are members of the labor
4 organization shall have the right to automatic membership dues deductions.
5 Upon receipt of a signed authorization to commence automatic membership
6 dues deductions from an independent direct support provider, the State shall,
7 no later than the next pay period after receiving the authorization, commence
8 withholding from the independent direct support provider's wages the amount
9 of membership dues certified by the labor organization. The State shall
10 transmit the amount withheld to the labor organization on the same day as the
11 independent direct support provider is paid.

12 Sec. 9. 21 V.S.A. § 1737 is added to read:

13 § 1737. AUTOMATIC MEMBERSHIP DUES DEDUCTION

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

1 ~~Sec. 10. 33 V.S.A. § 3618 is added to read:~~

2 § 3618. AUTOMATIC MEMBERSHIP DUES DEDUCTION

3 Early care and education providers who are members of the labor
4 organization shall have the right to automatic membership dues deductions.
5 Upon receipt of a signed authorization to commence automatic membership
6 dues deductions from an early care and education provider, the State shall, no
7 later than the next period when subsidies would be paid to the provider after
8 receiving the authorization, commence withholding from the subsidies paid to
9 the early care and education provider the amount of membership dues certified
10 by the labor organization. The State shall transmit the amount withheld to the
11 labor organization on the same day as the subsidies are paid to the early care
12 and education provider.

13 * * * Access to Employees in Bargaining Unit * * *

14 Sec. 11. 3 V.S.A. § 909 is added to read:

15 § 909. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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, home
14 address, personal e-mail address, home and personal cellular telephone
15 numbers, and date of hire.

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

19 Sec. 12. 3 V.S.A. § 1022 is added to read:

20 ~~§ 1022. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT~~

1 ~~(a) An employer shall provide the employee organization that is the~~
2 exclusive representative of the employees in a bargaining unit with an
3 opportunity to meet with each newly hired employee in the bargaining unit to
4 present information about the employee organization.

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

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

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

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

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

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

4 Sec. 13. 16 V.S.A. 1984 is added to read:

5 § 1984. ACCESS TO NEW TEACHERS OR ADMINISTRATORS IN
6 BARGAINING UNIT

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

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

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

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

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

3 ~~(c) Within 10 days after hiring a new teacher or administrator, the school~~
4 ~~board shall provide the teacher's or administrator's organization, as~~
5 ~~appropriate, with his or her name, job title, worksite location, work telephone~~
6 ~~number and e-mail address, home address, personal e-mail address, home and~~
7 ~~personal cellular telephone numbers, and date of hire.~~

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

11 Sec. 14. 21 V.S.A. § 1738 is added to read:

12 § 1738. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

13 (a) An employer shall provide the employee organization that is the
14 exclusive representative of the employees in a bargaining unit with an
15 opportunity to meet with each newly hired employee in the bargaining unit to
16 present information about the employee organization.

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

20 (2) If the meeting is not held during the new employee's orientation, it
21 shall be held during the new employee's regular work hours and at his or her

1 ~~regular worksite or a location mutually agreed to by the employer and the~~
2 ~~employee organization.~~

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

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

6 ~~(c) Within 10 days after hiring a new employee in a bargaining unit, the~~
7 ~~employer shall provide the employee organization with his or her name, job~~
8 ~~title, worksite location, work telephone number and e-mail address, home~~
9 ~~address, personal e-mail address, home and personal cellular telephone~~
10 ~~numbers, and date of hire.~~

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

14 * * * Effective Date * * *

15 Sec. 15. EFFECTIVE DATE

16 ~~This act shall take effect on July 1, 2020.~~

** * * Representation and Bargaining Unit Determinations * * **

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

*§ 941. UNIT DETERMINATION, CERTIFICATION, AND
REPRESENTATION*

** * **

*(c)(1) 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~~ on 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 the 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. The employee, group of employees, individual, or employee organization that files the petition, shall, at the same time that the petition is filed with the Board, provide a copy of the petition to the employer and, if appropriate, the current bargaining agent.

(2)(A)(i) An employer shall, not more than four business days after receiving a copy of the petition, file any objections to the appropriateness of the proposed bargaining unit or raise any other unit determination issues with the Board and provide a copy of the filing to the employee, group of employees, individual, or employee organization that filed the petition.

(ii) A hearing shall be held before the Board pursuant to subdivision (d)(1)(B) of this section in the event the employer challenges the appropriateness of the proposed bargaining unit, provided that a hearing shall not be held if the parties stipulate to the composition of the appropriate bargaining unit before the hearing.

(iii) The Board may endeavor to informally mediate any dispute regarding the appropriateness of the proposed bargaining unit prior to the hearing.

(B)(i)(I) Within two business days after receiving a copy of the petition, the employer shall file with the Board and the employee or group of employees, or the individual or employee organization purporting to act on their behalf, a list of the names and job titles of the employees in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(II) In the event that unforeseen circumstances make it impossible for the employer to provide the list within the time period set forth in subdivision (I) of this subdivision (c)(2)(B)(i), the Board may extend the time as needed to allow the employer to provide the list.

(ii) An employee or group of employees, or any person purporting to act on their behalf, that is seeking to demonstrate that the current bargaining agent is no longer supported by at least 51 percent of the

employees in the bargaining unit shall not be entitled to obtain a list of the employees in the bargaining unit from the employer pursuant to this subdivision (c)(2)(B), but may obtain a list pursuant to subdivision (e)(3) of this section after the Board has investigated its petition and determined that a secret ballot election shall be conducted.

(iii) The list shall be kept confidential and shall be exempt from copying and inspection under the Public Records Act.

(d) The Board, a Board member thereof, or a person or persons designated by the Board shall investigate the petition, and do one of the following:

(1) Determine that the petition has made a sufficient showing of interest pursuant to subdivision (c)(1) of this section.

~~(1)(2)(A) if~~ If it finds reasonable cause to believe that a question of unit determination or representation exists, ~~an appropriate hearing shall be scheduled before the Board upon due notice~~ the Board shall schedule a hearing to be held before the Board not more than eight business days after the petition was filed with the Board unless:

(i) the parties named in the petition mutually agree to extend the time for the hearing; or

(ii) the Board determines that the time for the hearing must be extended because an insufficient number of Board members are available to hold a hearing or the Executive Director of the Board is unavailable due to leave.

~~(B)(i) Once scheduled, the date of the hearing shall not be subject to change except for good cause as determined by the Board. Upon request, the results of the investigation shall be made available by the Board to the petitioners and all intervenors, if any, including the duly certified bargaining representative prior to giving notice of hearing. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition not less than seven calendar days before the hearing.~~

(ii) The time for a hearing shall not be extended pursuant to subdivision (d)(2)(A)(i) or (ii) of this section for more than an additional 30 calendar days.

(C)(i) Except as otherwise provided pursuant to subdivision (ii) of this subdivision (d)(2)(C), the hearing shall be limited to the subject of whether the proposed bargaining unit is appropriate.

(ii) Questions of whether one or more employees should be included in or excluded from the bargaining unit shall not be addressed without the mutual agreement of the parties; provided, however, that the Board

shall note any employees or positions as to whom a question exists so that those ballots may be separated from those of the other employees during the election. If the parties mutually agree to address whether certain employees should be included in or excluded from the bargaining unit, the date of the election shall be not more than 15 calendar days after the Board issues its decision on those questions.

(D) Hearing procedure and notification of the results of ~~same~~ the hearing shall be in accordance with rules ~~prescribed~~ adopted by the Board, ~~or~~ except that the parties shall not be permitted to submit briefs to the Board after the conclusion of the hearing unless the parties mutually agree to do so and the Board consents.

(E) Except in instances when the parties mutually agree to address whether certain employees should be included in or excluded from the bargaining unit pursuant to subdivision (2)(C) of this subsection (d) or if the parties mutually agree to submit posthearing briefs and the Board consents, the Board shall issue its decision as soon as practicable and, in any event, not more than five business days after the hearing.

~~(2)(3) dismiss the petition, based upon the~~ If the Board finds an absence of substantive evidence, it shall dismiss the petition.

~~(e)(1)(A) Whenever, as a result on the basis of a petition and an appropriate pursuant to subdivision (d)(1) of this section or a hearing pursuant to subdivision (d)(2) of this section, the Board finds substantial interest among employees in forming a bargaining unit or being represented for purposes of collective bargaining, a secret ballot election shall be conducted by the Board to be taken in such manner as to show not more than 21 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (d)(2)(C) of this section.~~

(B) The time to conduct the election may be extended by:

(i) mutual agreement of the parties; or

(ii) the Board due to a lack of staff available to conduct the election or other circumstances that make it impracticable for the Board to conduct the election within 21 business days after the petition is filed.

(2)(A) The Board shall separate the ballot for any employee for whom a question exists as to whether the employee should be included in or excluded from the bargaining unit. The separated ballots shall only be counted by the Board if it subsequently determines that those employees or positions are an appropriate part of the bargaining unit and that those ballots may affect the results of the election.

(B) The election shall be conducted so that it shows separately the wishes of the employees in the voting group involved as to the determination of the collective bargaining unit, including the right not to be organized. ~~In order for a~~ The collective bargaining unit ~~to~~ or collective bargaining representative shall be recognized and certified by the Board, there must be upon a majority vote east by those of the employees voting.

(C) The Board shall, if necessary, hold a hearing not more than 30 calendar days after the election to determine any outstanding questions as to whether certain employees should be included in or excluded from the bargaining unit.

(3)(A)(i) Unless the employer and labor organization agree to a longer period, the employer shall file with the Board; any labor organization that will be named on the ballot; and, if appropriate, the employee or group of employees, or the individual or employee organization acting on their behalf, that is seeking to show that the bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit a list of the employees in the bargaining unit within two business days after the Board determines that a secret ballot election shall be conducted.

(ii) In the absence of a mutual agreement to extend the time period set forth in subdivision (i) of this subdivision (e)(3)(A), if unforeseen circumstances make it impossible for the employer to provide the list within the time period set forth in subdivision (i) of this subdivision (e)(3)(A), the Board may extend the time as needed to allow the employer to provide the list.

(B) The list shall include, as appropriate, each employee's name, work location, shift, job classification, and contact information. As used in this subdivision (3), "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

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

(D) The list shall be:

(i) kept confidential by the Board and all of the parties; and

(ii) shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (3) may be grounds for the Board to set aside the results of the election if an objection is filed within the time required pursuant to the Board's rules.

* * *

(g)(1) In determining the representation of State employees in a collective bargaining unit, the Board shall conduct a secret ballot of the employees within the time period set forth in subdivision (e)(1)(A) of this section, unless the time to conduct the election is extended pursuant to subdivision (e)(1)(B) of this section, and certify the results to the interested parties and to the State employer. The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a majority of the votes cast by employees in the bargaining unit.

* * *

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

§ 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

(a)(1) An organization purporting to represent a majority of all of the teachers or administrators employed by the school board may be recognized by the school board without the necessity of a referendum upon the submission of a petition bearing the valid signatures of a majority of the teachers or administrators employed by that school board. Within 15 calendar days after receiving the petition the school board shall notify the teachers or administrators of the school district in writing of its intention to either require or waive a secret ballot referendum. If the school board gives notice of its intention to waive a referendum and recognize an organization, 10 percent of the teachers or administrators employed by the school board may submit a petition within 15 calendar days thereafter, objecting to the granting ~~or~~ of recognition without a referendum, in which event a secret ballot referendum shall be held in the district for the purpose of choosing an exclusive representative according to the guidelines for referendum contained in this legislation as provided pursuant to the provisions of this section.

(2)(A)(i) An organization seeking to represent the teachers or administrators employed by a school board may petition the school board for a list of the teachers or administrators in the proposed bargaining unit.

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

(B) Unless the parties agree to a longer period, within two business days after receiving the petition, the school board shall file with the

organization a list of the names and job titles of the teachers or administrators in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

* * *

(c)(1)(A) A secret ballot referendum shall be held any time that not more than 21 calendar days after 20 percent of the teachers or administrators employed by the school board present a petition requesting a referendum on the matter of representation, except during a period of prior recognition, as hereinbefore provided pursuant to subsection (b) of this section.

(B) The parties may mutually agree to extend the time to hold the election set forth in subdivision (A) of this subdivision (1).

(C) Any organization interested in representing teachers or administrators in the school district shall have the right to appear on the ballot by submitting a petition supported by ten percent or more of the teachers or administrators in the school district.

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

(B) The list shall include, as appropriate, each teacher's or administrator's name, work location, job classification, and contact information. As used in this subdivision (2), "contact information" includes a teacher's or administrator's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the school board is in possession of such information.

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

(D) The list shall be kept confidential by the school board and the organization and shall be exempt from copying and inspection under the Public Records Act.

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

* * *

Sec. 3. 21 V.S.A. § 1724 is amended to read:

§ 1724. CERTIFICATION PROCEDURE

(a)(1) A petition may be filed with the Board, in accordance with ~~regulations prescribed~~ rules adopted by the Board:

~~(1)(A)~~ By an employee or group of employees, or any individual or employee organization purporting to act ~~in~~ on their behalf, alleging that not less than 30 percent of the employees, wish to form a bargaining unit and be represented for collective bargaining, or assert 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 not less than 51 percent of the employees now included in an approved bargaining unit wish to form a separate bargaining unit under Board criteria for purposes of collective bargaining. The employee, group of employees, individual, or employee organization that files the petition shall, at the same time that the petition is filed with the Board, provide a copy of the petition to the employer and, if appropriate, the current bargaining agent.

~~(2)(B)~~ By the employer alleging that the presently certified bargaining unit is no longer appropriate under Board criteria. The employer shall provide a copy of the petition to the current bargaining agent at the same time that the petition is filed with the Board.

~~(2)(A)(i)~~ An employer shall, not more than four business days after receiving a copy of the petition, file any objections to the appropriateness of the proposed bargaining unit or raise any other unit determination issues with the Board and provide a copy of the filing to the employee, group of employees, individual, or employee organization that filed the petition.

~~(ii)~~ A hearing shall be held before the Board pursuant to subdivision (d)(1)(B) of this section in the event the employer challenges the appropriateness of the proposed bargaining unit, provided that a hearing shall not be held if the parties stipulate to the composition of the appropriate bargaining unit before the hearing.

~~(iii)~~ The Board may endeavor to informally mediate any dispute regarding the appropriateness of the proposed bargaining unit prior to the hearing.

~~(B)(i)~~ Within two business days after receiving a copy of the petition, the employer shall file with the Board and the employee or group of employees, or the individual or employee organization purporting to act on their behalf, a list of the names and job titles of the employees in the proposed bargaining unit. To the extent possible, the list of employees shall be in alphabetical order by last name and provided in electronic format.

(ii) The Board may extend the time to provide the list to four business days if the employer shows that providing the list within the time period set forth in subdivision (i) of this subdivision (a)(2)(B) would constitute a demonstrable hardship. If unforeseen circumstances make it impossible for the employer to provide the list within four business days, the Board may provide an additional extension as needed to allow the employer to provide the list.

(iii) An employee or group of employees, or any person purporting to act on their behalf, that is seeking to demonstrate that the current bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit shall not be entitled to obtain a list of the employees in the bargaining unit from the employer pursuant to this subdivision (a)(2)(B), but may obtain a list pursuant to subdivision (e)(3) of this section after the Board has investigated its petition and determined that a secret ballot election shall be conducted.

(iv) The list shall be kept confidential and shall be exempt from copying and inspection under the Public Records Act.

(b) The Board, a Board member thereof, or a person or persons designated by the Board shall investigate the petition, and do one of the following:

(1) Determine that the petition has made a sufficient showing of interest pursuant to subdivision (a)(1)(A) of this section.

~~(1)(2)(A) If it finds reasonable cause to believe that a question of unit determination or representation exists, an appropriate hearing shall be scheduled before the Board upon due notice. Written notice of the hearing shall be mailed by certified mail to the parties named in the petition not less than 14 calendar days before the hearing. the Board shall schedule a hearing to be held before the Board not more than eight business days after the petition was filed with the Board unless:~~

(i) the parties named in the petition mutually agree to extend the time for the hearing; or

(ii) the Board determines that the time for the hearing must be extended because an insufficient number of Board members are available to hold a hearing or the Executive Director of the Board is unavailable due to leave.

(B)(i) Once scheduled, the date of the hearing shall not be subject to change except for good cause as determined by the Board.

(ii) The time for a hearing shall not be extended pursuant to subdivision (b)(2)(A)(i) or (ii) of this section for more than an additional 30 calendar days.

(C)(i) Except as otherwise provided pursuant to subdivision (ii) of this subdivision (b)(2)(C), the hearing shall be limited to the subject of whether the proposed bargaining unit is appropriate.

(ii) Questions regarding whether certain employees should be included in or excluded from the bargaining unit shall not be addressed without the mutual agreement of the parties; provided, however, that the Board shall note any employees or positions as to whom a question exists so that those ballots may be separated from those of the other employees during the election. If the parties mutually agree to address whether certain employees should be included in or excluded from the bargaining unit, the date of the election shall be not more than 15 calendar days after the Board issues its decision on those questions.

(D) Hearing procedure and notification of the results thereof of the hearing shall be in accordance with rules ~~prescribed~~ adopted by the Board ~~or~~, except that the parties shall not be permitted to submit briefs to the Board after the conclusion of the hearing unless the parties mutually agree to do so and the Board consents.

(E) Except as otherwise provided pursuant to subdivision (2)(C) of this subsection (b) or if the parties mutually agree to submit posthearing briefs and the Board consents, the Board shall issue its decision as soon as practicable and, in any event, not more than five business days after the hearing.

(2)(3) ~~dismiss the petition, based upon the~~ If the Board finds an absence of substantive evidence it shall dismiss the petition.

* * *

(e)(1)(A) In determining the representation of municipal employees in a collective bargaining unit, the Board shall conduct ~~a~~ an election by secret ballot of the employees and certify the results to the interested parties and to the employer. The election shall be held not more than 21 business days after the petition is filed with the Board except as otherwise provided pursuant to subdivision (b)(2)(C) of this section.

(B) The time to conduct the election may be extended by:

(i) mutual agreement of the parties; or

(ii) the Board due to a lack of staff available to conduct the election or other circumstances that make it impracticable for the Board to conduct the election within 21 business days after the petition is filed.

(2)(A) The original ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. No representative will be certified with less than a 51 percent affirmative vote of all votes cast. ~~In the case where~~ If it is asserted that the certified bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit and there is no attempt to seek the election of another employee organization or individual as bargaining representative, there shall be at least 51 percent negative vote of all votes cast to decertify the existing bargaining agent.

(B) The Board shall separate the ballot for any employee for whom a question exists as to whether the employee should be included in or excluded from the bargaining unit. The separated ballots shall only be counted by the Board if it subsequently determines that those employees or positions are an appropriate part of the bargaining unit and that those ballots may affect the results of the election.

(C) The Board shall, if necessary, hold a hearing not more than 30 calendar days after the election to determine any outstanding questions as to whether certain employees should be included in or excluded from the bargaining unit.

(3)(A)(i) Unless the employer and labor organization agree to a longer period, or the Board orders a longer period pursuant to subdivision (ii) of this subdivision (e)(3)(A), the employer shall file with the Board; any labor organization that will be named on the ballot; and, if appropriate, the employee or group of employees, or the individual or employee organization acting on their behalf, that is seeking to show that the bargaining agent is no longer supported by at least 51 percent of the employees in the bargaining unit a list of the employees in the bargaining unit within two business days after the Board determines that a secret ballot election shall be conducted.

(ii) In the absence of a mutual agreement to extend the time period set forth in subdivision (i) of this subdivision (e)(3)(A), the Board may extend the time to provide the list to four business days if the employer shows that providing the list within the time period set forth in subdivision (i) of this subdivision (e)(3)(A) would constitute a demonstrable hardship. If unforeseen circumstances make it impossible for the employer to provide the list within four business days, the Board may provide an additional extension as needed to allow the employer to provide the list.

(B) The list shall include, as appropriate, each employee's name, work location, shift, job classification, and contact information. As used in this subdivision (3), "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

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

(D) The list shall be:

(i) kept confidential by the Board and all of the parties; and

(ii) shall be exempt from copying and inspection under the Public Records Act.

(E) Failure to file the list within the time required pursuant to subdivision (A) of this subdivision (3) may be grounds for the Board to set aside the results of the election if an objection is filed within the time required pursuant to the Board's rules.

* * *

* * * Automatic Membership Dues Deduction * * *

Sec. 4. 3 V.S.A. § 903 is amended to read:

§ 903. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

* * *

(e) Employees who are members of the employee organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an employee, the employer shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the employee's wages the amount of membership dues certified by the employee organization. The employer shall transmit the amount withheld to the employee organization on the same day as the employee is paid. Nothing in this subsection shall be construed to require a member of an employee organization to participate in automatic dues deduction.

Sec. 5. 3 V.S.A. § 1012 is amended to read:

§ 1012. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

* * *

(e) Employees who are members of the employee organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an employee, the employer shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the employee's wages the amount of membership dues certified by the employee organization. The employer shall transmit the amount withheld to the employee organization on the same day as the employee is paid. Nothing in this subsection shall be construed to require a member of an employee organization to participate in automatic dues deduction.

Sec. 6. 16 V.S.A. § 1982 is amended to read:

§ 1982. RIGHTS

* * *

(f) A teacher or administrator who is a member of the teachers' or administrators' organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from a teacher or administrator, the school board shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the teacher's or administrator's wages the amount of membership dues certified by the teachers' or administrators' organization. The school board shall transmit the amount withheld to the teachers' or administrators' organization on the same day as the teacher or administrator is paid. Nothing in this subsection shall be construed to require a member of a teachers' or administrators' organization to participate in automatic dues deduction.

Sec. 7. 21 V.S.A. § 1645 is added to read:

§ 1645. AUTOMATIC MEMBERSHIP DUES DEDUCTION

Independent direct support providers who are members of the labor organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an independent direct support provider, the State shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the independent direct support provider's wages the amount of membership dues certified by the labor organization. The State shall transmit the amount withheld to the labor organization on the same day as the independent direct support provider is paid. Nothing in this section shall be construed to require a member of a labor organization to participate in automatic dues deduction.

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

§ 1737. AUTOMATIC MEMBERSHIP DUES DEDUCTION

Employees who are members of the employee organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an employee, the employer shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the employee's wages the amount of membership dues certified by the employee organization. The employer shall transmit the amount withheld to the employee organization on the same day as the employee is paid. Nothing in this section shall be construed to require a member of an employee organization to participate in automatic dues deduction.

Sec. 9. 33 V.S.A. § 3618 is added to read:

§ 3618. AUTOMATIC MEMBERSHIP DUES DEDUCTION

Early care and education providers who are members of the labor organization shall have the right to automatic membership dues deductions. Upon receipt of a signed authorization to commence automatic membership dues deductions from an early care and education provider, the State shall, as soon as practicable and in any event, not later than 30 calendar days after receiving the authorization, commence withholding from the subsidies paid to the early care and education provider the amount of membership dues certified by the labor organization. The State shall transmit the amount withheld to the labor organization on the same day as the subsidies are paid to the early care and education provider. Nothing in this section shall be construed to require a member of a labor organization to participate in automatic dues deduction.

** * * Access to Employees in Bargaining Unit * * **

Sec. 10. 3 V.S.A. § 909 is added to read:

§ 909. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

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

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

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

(c)(1) Within 10 calendar days after hiring a new employee in a bargaining unit, the employer shall provide the employee organization with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire to the extent that the employer is in possession of such information.

(2) The employee's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

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

Sec. 11. 3 V.S.A. § 1022 is added to read:

§ 1022. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

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

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

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

(c)(1) Within 10 calendar days after hiring a new employee in a bargaining unit, the employer shall provide the employee organization with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire to the extent that the employer is in possession of such information.

(2) The employee's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

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

Sec. 12. 16 V.S.A. § 1984 is added to read:

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

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

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

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

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

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

(c)(1) Within 10 calendar days after hiring a new teacher or administrator, the school board shall provide the teacher's or administrator's organization, as appropriate, with his or her name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire to the extent that the school board is in possession of such information.

(2) The teacher's or administrator's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the teacher's or administrator's organization and shall be exempt from copying and inspection under the Public Records Act.

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

Sec. 13. 21 V.S.A. § 1738 is added to read:

§ 1738. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

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

(3) The employee organization shall be permitted to meet with the employee for not less than 60 minutes.

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

(c)(1) Within 10 calendar days after hiring a new employee in a bargaining unit, the employer shall provide the employee organization with his or her

name, job title, worksite location, work telephone number and e-mail address, home address, personal e-mail address, home and personal cellular telephone numbers, and date of hire to the extent that the employer is in possession of such information.

(2) The employee's home address, personal e-mail address, and home and personal cellular telephone numbers shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

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

** * * Annual List of Employees in Bargaining Unit * * **

Sec. 14. 3 V.S.A. § 910 is added to read:

§ 910. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the employer and the employee organization, the employer shall provide the employee organization that is the exclusive representative of a bargaining unit with a list of all employees in that bargaining unit.

(b) The list shall include, as appropriate, each employee's name, work location, job classification, and contact information. As used in this section, "contact information" includes an employee's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

Sec. 15. 3 V.S.A. § 1023 is added to read:

§ 1023. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the employer and the employee organization, the employer shall provide the employee organization that is the exclusive representative of a bargaining unit with a list of all employees in that bargaining unit.

(b) The list shall include, as appropriate, each employee's name, work location, job classification, and contact information. As used in this section,

“contact information” includes an employee’s home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

Sec. 16. 16 V.S.A. § 1985 is added to read:

§ 1985. ANNUAL LIST OF TEACHERS OR ADMINISTRATORS IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the school board and the teachers’ or administrators’ organization, the school board shall provide the teachers’ or administrators’ organization that is the exclusive representative of a bargaining unit with a list of all teachers or administrators in that bargaining unit.

(b) The list shall include, as appropriate, each teacher’s or administrator’s name, work location, job classification, and contact information. As used in this section, “contact information” includes a teacher’s or administrator’s home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the school board is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the school board and the teachers’ or administrators’ organization and shall be exempt from copying and inspection under the Public Records Act.

Sec. 17. 21 V.S.A. § 1739 is added to read:

§ 1739. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the employer and the employee organization, the employer shall provide the employee organization that is the exclusive representative of a bargaining unit with a list of all employees in that bargaining unit.

(b) The list shall include, as appropriate, each employee’s name, work location, job classification, and contact information. As used in this section, “contact information” includes an employee’s home address, personal e-mail

address, and home and personal cellular telephone numbers to the extent that the employer is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the employer and the employee organization and shall be exempt from copying and inspection under the Public Records Act.

Sec. 18. 21 V.S.A. § 1646 is added to read:

§ 1646. ANNUAL LIST OF INDEPENDENT DIRECT SUPPORT PROVIDERS IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the State and the exclusive representative, the State shall provide the exclusive representative of the independent direct support providers with a list of all independent direct support providers in the bargaining unit.

(b)(1) The list shall include, as appropriate, each independent direct support provider's name, work location, job classification, and contact information. As used in this section, "contact information" includes an independent direct support provider's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the State is in possession of such information.

(2) The list shall not include the name of any recipient or indicate that an independent direct support provider is a relative of a recipient or has the same address as a recipient.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the State and the exclusive representative and shall be exempt from copying and inspection under the Public Records Act.

Sec. 19. 33 V.S.A. § 3619 is added to read:

§ 3619. ANNUAL LIST OF EARLY CARE AND EDUCATION PROVIDERS IN BARGAINING UNIT

(a) Annually, or on a more frequent basis if mutually agreed to by the State and the exclusive representative, the State shall provide the exclusive representative with a list of all providers in that bargaining unit.

(b) The list shall include, as appropriate, each early care and education provider's name, work location, job classification, and contact information. As used in this section, "contact information" includes a provider's home address, personal e-mail address, and home and personal cellular telephone numbers to the extent that the State is in possession of such information.

(c) To the extent possible, the list shall be in alphabetical order by last name and provided in electronic format.

(d) The list shall be kept confidential by the State and the exclusive representative and shall be exempt from copying and inspection under the Public Records Act.

** * * Effective Date * * **

Sec. 20. EFFECTIVE DATE

This act shall take effect on January 1, 2021.