

# Senate Calendar

THURSDAY, SEPTEMBER 3, 2020

SENATE CONVENES AT: 1:00 P.M.

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**ACTION CALENDAR  
UNFINISHED BUSINESS OF JANUARY 7, 2020  
GOVERNOR'S VETOES**

**S. 37.**

An act relating to medical monitoring.

**Pending question (to be voted by call of the roll):** Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

(For text of veto message, see Senate Calendar for January 7, 2020, page 1.)

**S. 169.**

An act relating to firearms procedures.

**Pending question (to be voted by call of the roll):** Shall the bill pass, notwithstanding the Governor's refusal to approve the bill? (Two-thirds of the members present required to override the Governor's veto.)

(For text of veto message, see Senate Calendar for January 7, 2020, page 9.)

**UNFINISHED BUSINESS OF MARCH 12, 2020**

**Second Reading**

**Favorable**

**S. 287.**

An act relating to the contractual rights of members of the Vermont State Employees' Retirement System.

**Pending Question:** Shall the bill be read the third time?

**UNFINISHED BUSINESS OF MARCH 24, 2020**

**Third Reading**

**S. 191.**

An act relating to tax increment financing districts.

**UNFINISHED BUSINESS OF MARCH 27, 2020**

**Second Reading**

**Favorable with Recommendation of Amendment**

**S. 252.**

An act relating to stem cell therapies not approved by the U.S. Food and Drug Administration.

**Reported favorably with recommendation of amendment by Senator Westman for the Committee on Health and Welfare.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 87 is added to read:

CHAPTER 87. STEM CELL PRODUCTS

§ 4501. DEFINITIONS

As used in this chapter:

(1) “Health care practitioner” means an individual licensed by the Board of Medical Practice or by a board attached to the Office of Professional Regulation to provide professional health care services in this State.

(2) “Stem cell products” has the same meaning as “human cells, tissues, or cellular or tissue-based products” in 21 C.F.R. § 1271.3, as in effect on January 1, 2020, and applies to both homologous and nonhomologous use. The term also includes homologous use of minimally manipulated cell or tissue products, as those terms are defined in 21 C.F.R. § 1271.3, as in effect on January 1, 2020, when used or proposed for use in one or more applications not approved by the U.S. Food and Drug Administration.

§ 4502. UNAPPROVED STEM CELL PRODUCTS; NOTICE;  
DISCLOSURE

(a) Notice.

(1) A health care practitioner who administers one or more stem cell products that are not approved by the U.S. Food and Drug Administration shall provide each patient with the following written notice prior to administering any such product to the patient for the first time:

“THIS NOTICE MUST BE PROVIDED TO YOU UNDER VERMONT LAW. This health care practitioner administers one or more stem cell products that have not been approved by the U.S. Food and Drug Administration. You

are encouraged to consult with your primary care provider prior to having an unapproved stem cell product administered to you.”

(2)(A) The written notice required by subdivision (1) of this subsection shall:

(i) be at least 8.5 by 11 inches and printed in not less than 40-point type; and

(ii) include information on methods for filing a complaint with the applicable licensing authority and for making a consumer inquiry.

(B) The health care practitioner shall also prominently display the written notice required by subdivision (1) of this subsection, along with the information required to be included by subdivision (A)(ii) of this subdivision (2), at the entrance and in an area visible to patients in the health care practitioner’s office.

(b) Disclosure.

(1) A health care practitioner who administers stem cell products that are not approved by the U.S. Food and Drug Administration shall provide a disclosure form to a patient for the patient’s signature prior to each administration of an unapproved stem cell product.

(2) The disclosure form shall state, in language that the patient could reasonably be expected to understand, the stem cell product’s U.S. Food and Drug Administration approval status.

(3) The health care practitioner shall retain in the patient’s medical record a copy of each disclosure form signed and dated by the patient.

(c) Advertisements. A health care practitioner shall include the notice set forth in subdivision (a)(1) of this section in any advertisements relating to the use of stem cell products that are not approved by the U.S. Food and Drug Administration. In print advertisements, the notice shall be clearly legible and in a font size not smaller than the largest font size used in the advertisement. For all other forms of advertisements, the notice shall either be clearly legible in a font size not smaller than the largest font size used in the advertisement or clearly spoken.

(d) Nonapplicability. The provisions of this section shall not apply to the following:

(1) a health care practitioner who has obtained approval or clearance for an investigational new drug or device from the U.S. Food and Drug Administration for the use of stem cell products; or

(2) a health care practitioner who administers a stem cell product pursuant to an employment or other contract to administer stem cell products on behalf of or under the auspices of an institution certified by the Foundation for the Accreditation of Cellular Therapy, the National Institutes of Health Blood and Marrow Transplant Clinical Trials Network, or AABB, formerly known as the American Association of Blood Banks.

(e) Violations. A violation of this section constitutes unprofessional conduct under 3 V.S.A. § 129a and 26 V.S.A. § 1354.

Sec. 2. 3 V.S.A. § 129a is amended to read:

§ 129a. UNPROFESSIONAL CONDUCT

(a) In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any one of the following items or any combination of items, whether the conduct at issue was committed within or outside the State, shall constitute unprofessional conduct:

\* \* \*

(27) For a health care practitioner, failing to comply with one or more of the notice, disclosure, or advertising requirements in 18 V.S.A. § 4502 for administering stem cell products not approved by the U.S. Food and Drug Administration.

\* \* \*

Sec. 3. 26 V.S.A. § 1354 is amended to read:

§ 1354. UNPROFESSIONAL CONDUCT

(a) The Board shall find that any one of the following, or any combination of the following, whether the conduct at issue was committed within or outside the State, constitutes unprofessional conduct:

\* \* \*

(39) use of the services of a physician assistant by a physician in a manner that is inconsistent with the provisions of chapter 31 of this title; or

(40) use of conversion therapy as defined in 18 V.S.A. § 8351 on a client younger than 18 years of age; or

(41) failure to comply with one or more of the notice, disclosure, or advertising requirements in 18 V.S.A. § 4502 for administering stem cell products not approved by the U.S. Food and Drug Administration.

\* \* \*

Sec. 4. DEPARTMENT OF HEALTH; ADVANCE DIRECTIVES;  
RULEMAKING

The Department of Health shall amend its rules on advance directives to further clarify the scope of experimental treatments to which an agent may and may not provide consent on behalf of a principal. The Department's amended rules shall take effect not later than January 1, 2021.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

And that after passage the title of the bill be amended to read:

An act relating to administering stem cell products not approved by the U.S. Food and Drug Administration.

(Committee vote: 5-0-0)

**S. 254.**

An act relating to union organizing.

**Reported favorably with recommendation of amendment by Senator Sirotkin for the Committee on Economic Development, Housing and General Affairs.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

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

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

§ 941. UNIT DETERMINATION, CERTIFICATION, AND  
REPRESENTATION

\* \* \*

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

(B) Within two business days after receiving 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 in 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.

(d)(1) 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:

(A) Determine that a sufficient showing of interest has been made by the petition.

~~(1)(B)(i) 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 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 due to an insufficient number of Board members being available to hold a hearing or the Executive Director of the Board is unavailable due to leave.

(ii)(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 subdivisions (d)(1)(B)(i)(I) or (II) of this section for more than an additional 30 days.

(iii) 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.

(iv) The Board shall issue its decision not more than two business days after the hearing or 10 days after the petition was submitted, whichever is later.

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

(2) 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 as soon as practicable after the investigation is completed.

~~(e)(1)(A) Whenever, as a result of a petition and an appropriate or hearing, the Board finds substantial interest among employees in forming a bargaining unit or being represent 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 days after the petition is filed with the Board.

(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 days after the petition is filed.

(C) The Board shall not hold a hearing to resolve any disputes related to the membership of the bargaining unit until after the election unless the parties mutually agree to extend the time for the election for the purpose of resolving those issues.

(2) 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 cast by those of the employees voting.

(3)(A) Unless the employer and labor organization agree to a longer period, the employer shall file with the Board and the labor organization that will be named on the ballot a list of the employees in the bargaining unit within two business days after:

(i) the Board determines that substantial interest exists and a secret ballot election shall be conducted; or

(ii) the parties stipulate to the composition of the bargaining unit.

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

(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 kept confidential by the employer and the labor 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 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 not more than 21 days after the petition is filed with the Board, 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.

\* \* \*

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 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 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 and the Vermont Labor Relations 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 teachers' or administrators' organization that is currently the 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 proposed bargaining unit pursuant to this subdivision (a)(2).

(B) Within two business days after receiving the petition, the school board shall file with the Vermont Labor Relations Board and 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 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.

(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 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 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.

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

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

(B) Within two business days after receiving 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 in 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.

(b)(1) 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:

(A) Determine that a sufficient showing of interest has been made by the petition.

~~(1)(B)(i) 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 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 due to an insufficient number of Board members being available to hold a hearing or the Executive Director of the Board is unavailable due to leave.

(ii)(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 subdivisions (d)(1)(B)(i)(I) or (II) of this section for more than an additional 30 days.

(iii) 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.

(iv) The Board shall issue its decision not more than two business days after the hearing or 10 days after the petition was submitted, whichever is later.

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

(2) 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 as soon as practicable after the investigation is completed.

\* \* \*

(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 days after the petition is filed with the Board.

(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 days after the petition is filed.

(C) The Board shall not hold a hearing to resolve any disputes related to the membership of the bargaining unit until after the election unless the parties mutually agree to extend the time for the election for the purpose of resolving those issues.

(2) 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.

(A) Unless the employer and the individual or labor organization seeking to represent the bargaining unit agree to a longer period, the employer shall file with the Board and the individual or labor organization that will be named on the ballot a list of the employees in the bargaining unit within two business days after:

(i) the Board determines that substantial interest exists and a secret ballot election shall be conducted; or

(ii) the parties stipulate to the composition of the bargaining unit.

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

(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 kept confidential by the employer and the individual or labor organization seeking to represent the bargaining unit 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 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, no 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, no 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, no 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, no 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, no 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, no 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 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.

(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 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 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.

(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 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 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.

(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 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 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.

(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 days' notice of an orientation for newly hired employees in a bargaining unit.

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

#### Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2020.

(Committee vote: 5-0-0)

**Reported favorably with substitute recommendation of amendment by Senator Hooker for the Committee on Economic Development, Housing and General Affairs.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* 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~~ 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 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 cast 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 ~~of~~ 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.

(Committee vote: 5-0-0)

**S. 297.**

An act relating to the Agency of Health Care Administration.

**Reported favorably with recommendation of amendment by Senator Lyons for the Committee on Health and Welfare.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. AGENCY OF HUMAN SERVICES REORGANIZATION;  
WORKING GROUP; REPORT

(a) Creation. There is created a working group to develop proposals for reorganizing the Agency of Human Services.

(b) Membership. The working group shall be composed of the following members:

(1) the Secretary of Human Services or designee;

(2) the commissioner of each department within the Agency of Human Services or their designees; and

(3) other interested stakeholders.

(c) Powers and duties. The working group shall consider options for reorganizing, restructuring, or reconfiguring the Agency of Human Services and its departments to best serve Vermonters, including consideration of the following:

(1) whether the Agency of Human Services should be divided into two or more agencies, and if so, how they should be organized;

(2) whether the Agency of Human Services should be divided as follows:

(A) an Agency of Human Services, comprising the Department of Corrections; the Department for Children and Families; the Department of Independent Living, which would provide services to Vermonters who are elders and to individuals with disabilities; and the Human Services Board; and

(B) an Agency of Health Care Administration comprising the Departments of Health Access, of Mental Health and Substance Misuse, of Long-Term Care, and of Public Health; the Health Care Board; and the Vermont Health Benefit Exchange;

(3) how to improve collaboration, integration, and alignment of services across agencies and departments to deliver services built around the needs of individuals and families; and

(4) how to minimize any confusion or disruption that may result from implementing the recommended changes.

(d) Assistance. The working group shall have the administrative, technical, and legal assistance of the Agency of Human Services.

(e) Report. On or before January 15, 2021, the working group shall provide its findings and recommendations to the General Assembly and the Governor.

(f) Meetings.

(1) The Secretary of Human Services or designee shall call the first meeting of the working group to occur on or before July 1, 2020.

(2) The working group shall select a chair from among its members at the first meeting.

(3) A majority of the working group's membership shall constitute a quorum.

(4) The working group shall cease to exist on January 15, 2021.

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to reorganizing the Agency of Human Services.

(Committee vote: 5-0-0)

**Reported favorably with recommendation of amendment by Senator Clarkson for the Committee on Government Operations.**

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. AGENCY OF HUMAN SERVICES ORGANIZATIONAL  
STRUCTURE; WORKING GROUP; REPORT

(a) Creation. There is created a working group to evaluate the organizational structure of the Agency of Human Services and to recommend any appropriate modifications to that structure.

(b) Membership. The working group shall be composed of the following members:

(1) the Secretary of Human Services or designee;

(2) the commissioner of each department within the Agency of Human Services or their designees; and

(3) three employees of the Agency of Human Services, appointed by the President of the Vermont State Employees Association.

(c) Powers and duties. The working group, in consultation with interested stakeholders, shall consider options for reorganizing, restructuring, or reconfiguring the Agency of Human Services and its departments to best serve Vermonters, including consideration of the following:

(1) whether the Agency of Human Services should be divided into two or more agencies, and if so, how they should be organized;

(2) how to improve collaboration, integration, and alignment of services across agencies and departments to deliver services built around the needs of individuals and families; and

(3) how to minimize any confusion or disruption that may result from implementing the recommended changes.

(d) Assistance. The working group shall have the administrative, technical, and legal assistance of the Agency of Human Services.

(e) Report. On or before January 15, 2021, the working group shall provide its findings and recommendations to the General Assembly and the Governor.

(f) Meetings.

(1) The Secretary of Human Services or designee shall call the first meeting of the working group to occur on or before July 1, 2020.

(2) The working group shall select a chair from among its members at the first meeting.

(3) A majority of the working group's membership shall constitute a quorum.

(4) All of the working group's meetings shall be open to the public and all meeting dates, times, and locations shall be posted on the General Assembly's website.

(5) The working group shall cease to exist on January 15, 2021.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

And that after passage the title of the bill be amended to read:

An act relating to the organizational structure of the Agency of Human Services.

(Committee vote: 4-1-0)

**NOTICE CALENDAR**

**House Proposal of Amendment**

**S. 233**

An act relating to uniform licensing standards

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Office of Professional Regulation \* \* \*

Sec. 1. 3 V.S.A. § 123 is amended to read:

§ 123. DUTIES OF OFFICE

\* \* \*

(g)(1) ~~The Office of Professional Regulation~~ shall establish uniform procedures applicable to all of the professions and boards set forth in section 122 of this chapter, providing for:

(1)(A) appropriate recognition of education, training, or service completed by a member of the U.S. Armed Forces toward the requirements of professional licensure; and

(2)(B) expedited issuance of a professional license to a person who is licensed in good standing in another regulatory jurisdiction; and

~~(A)~~(i) whose spouse is a member of the U.S. Armed Forces and who has been subject to a military transfer to Vermont; and

~~(B)~~(ii) who left employment to accompany his or her spouse to Vermont.

(2) The Director may evaluate specific military credentials to determine equivalency to credentials required for professions attached to the Office. The determinations shall be adopted through written policy that shall be posted on the Office's website.

\* \* \*

(j)(1) The Office may inquire into the criminal background histories of applicants for licensure and for biennial license renewal for the following professions:

\* \* \*

(k) For any profession attached to it, the Office shall provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Office in a future application if the individual violates probation or parole or is convicted of another crime following the determination.

(1) The Office shall initiate this determination upon an individual's "second chance" determination request. This request shall provide documentation related to the individual's conviction or convictions, evidence of rehabilitation, and identification of the profession or professions for which the individual seeks licensure.

(2) The individual shall submit this request online, accompanied by the fee for pre-application determinations set forth in section 125 of this subchapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Office shall:

(A) process a request within 30 days of receiving a complete request;

(B) assess the nature of the underlying conviction or convictions, the nexus to the profession or professions for which the individual seeks licensure, and the provided evidence of rehabilitation; and

(C) respond to the individual's request in writing.

(l) When, by reason of disqualification, resignation, vacancy, or necessary absence, a board is unable to form a quorum or assign one or more members to assist in the investigation and prosecution of complaints or license

applications, or to adjudicate a contested case, the Secretary of State may appoint ad hoc members, either as voting members to establish a quorum at a specific meeting or as nonvoting members to assist Office investigators and prosecutors.

Sec. 2. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:

\* \* \*

(5) A pre-application criminal background determination, \$25.00.

\* \* \*

(d) Pursuant to qualifications and procedures determined by the Director, the Office shall, upon request, waive application fees to qualified military members and military spouses.

Sec. 3. 3 V.S.A. § 136 is amended to read:

§ 136. UNIFORM CONTINUING EDUCATION EVALUATION; SUNSET REVIEW

(a) If continuing education is required by law or rule, the Office shall apply uniform standards and processes that apply to all professions regulated by the Office for the assessment and approval or rejection of continuing education offerings, informed by profession-specific policies developed in consultation with relevant boards and advisor appointees.

(b)(1) Not less than once every five years, each profession attached to the Office shall review its continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for the profession's licensees;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Director on whether the continuing education or other continuing competency requirements should be modified.

(2) The Director shall respond to the profession within 45 days of its submitted review results. The Director may require a profession to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 4. 3 V.S.A. § 136a is added to read:

§ 136a. UNIFORM PROCESS FOR ENDORSEMENT FROM OTHER STATES

(a) Except as provided in subsection (b) of this section, all professions attached to the Office shall have an endorsement process that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State.

(b) Any profession determining that three years of demonstrated practice in another jurisdiction is not adequately protective of the public shall provide its rationale to the Director, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement.

(c) The Director may issue to an endorsement applicant a waiver of the profession's practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

\* \* \* Well Drillers \* \* \*

Sec. 5. 10 V.S.A. § 1395a is amended to read:

§ 1395a. LICENSES; RULES

(a) Licenses. The Department shall issue licenses under this subchapter. A licensee may be authorized to perform more than one class of activities under a single license. The Department shall, by rule, establish appropriate application, testing, and renewal procedures for each class of activity under a license. The rule shall include the opportunity for an applicant to take the licensing test orally or by demonstration if the applicant fails the written test. The classes of activities under a license shall be as follows:

(1) Water well driller. This class shall consist of any person engaged in the business of constructing wells for the purpose of locating, extracting, or recharging groundwater, or for the purpose of transferring heat to or from the earth's subsurface.

(2) Monitoring well driller. This class shall consist of any person engaged in the business of constructing, servicing, or closing wells drilled for the purpose of monitoring groundwater quantity or quality.

\* \* \*

(b) Criminal background; pre-application determination. The Department shall provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Department in a future application if the individual violates probation or parole or is convicted of another crime following the determination.

(1) The Department shall initiate this determination upon an individual's "second chance" determination request. This request shall provide documentation related to the individual's conviction or convictions and evidence of rehabilitation.

(2) The individual shall submit this request online, accompanied by a pre-application fee of \$25.00. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Department shall:

(A) process a request within 30 days of receiving a complete request;

(B) assess the nature of the underlying conviction or convictions, the nexus to the well-drilling profession, and the provided evidence of rehabilitation; and

(C) respond to the individual's request in writing.

(c) Continuing education; sunset review.

(1) Not less than once every five years, the Department shall review its continuing education or other continuing competency requirements for well drillers. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for the profession's licensees;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Secretary on whether the continuing education or other continuing competency requirements should be modified.

(2) The Secretary shall respond to the Department within 45 days of its submitted review results. The Secretary may require the Department to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.



(d) Military credentials. The Department may evaluate specific military credentials to determine equivalency to credentials for well drillers. The determinations shall be adopted through written policy that shall be posted on the Department's website.

(e) Uniform process for endorsement from other states.

(1) The Department shall issue licenses for well drillers who have been licensed in good standing in another jurisdiction within the United States for at least three years, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State.

(2) If the Department determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Secretary, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(3) The Secretary may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

(f) Uniform process for foreign credential verification.

(1) The Secretary shall adopt rules in consultation with the Department that prescribe a process for the Secretary to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for well drillers.

(2) Any determination of equivalence by the Secretary under this section shall be in consultation with the Department, recorded in the applicant's licensing file, and binding upon the Department.

(3) In administering this section, the Secretary may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(g) Rules.

(1) The Department may adopt rules to implement the provisions of this subchapter and to establish well construction standards for persons engaged in the business of well construction.

(e)(2)(A) Rules relating to licensing standards shall be fair and reasonable and shall be designed and implemented to ensure that all applicants are granted licensure if they demonstrate that they possess the minimal occupational qualifications necessary for the purposes of groundwater protection. They shall not be designed or implemented for the purpose of limiting the number of licensees.

(B) All other rules to implement the provisions of this subchapter shall be rationally related to the purposes of this chapter, and shall be designed to achieve a reasonable balance between the expected governmental, societal, and occupational costs and the expected benefits.

Sec. 6. 10 V.S.A. § 1395 is amended to read:

§ 1395. APPLICATION

(a) Any person who intends to engage in the business of drilling wells in the State of Vermont shall file an application with the Department of Environmental Conservation for a license to do so on forms provided by the Department on which the person's qualifications and other information that may be required by the Department shall be stated.

(b)(1) The fee for a license or a renewal shall be in accordance with 3 V.S.A. § 2822.

(2) Pursuant to qualifications and procedures determined by the Secretary, the Department shall, upon request, waive application fees to qualified military members and military spouses.

(c) The licenses so issued shall expire every three years on June 30, shall not be transferable, and may be renewed on filing of a complete application and payment of the required fee in accordance with 3 V.S.A. § 2822. The fee shall be paid on an annual basis.

\* \* \* Professional Educators \* \* \*

Sec. 7. 16 V.S.A. § 1694 is amended to read:

§ 1694. POWERS AND DUTIES OF THE STANDARDS BOARD FOR PROFESSIONAL EDUCATORS

In addition to any other powers and duties prescribed by law or incidental or necessary to the exercise of such lawful powers and duties, the Standards Board shall:

(1)(A) Adopt rules pursuant to 3 V.S.A. chapter 25 with respect to the licensing of teachers and administrators, and of speech-language pathologists and audiologists as provided in 26 V.S.A. chapter 87.

(B) Not less than once every five years, review its continuing education or other continuing competency requirements for professional educators. The review results shall be in writing and address the following:

(i) the renewal requirements for licensure and endorsements;

(ii) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(iii) the cost of the renewal requirements for the licensees; and  
(iv) an analysis of the utility and effectiveness of the renewal requirements with respect to the purpose set forth in section 1691 of this chapter.

\* \* \*

(3)(A) Establish standards, including endorsements, according to which individuals may obtain a license or have one renewed or reinstated.

(B) Adopt rules for an application process to provide licensure to applicants who can demonstrate three years or more of licensed practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially similar to those of this State. The Standards Board may, by rule, exclude an endorsement from the process required by this subdivision (B) if it finds that licensure through this process for the endorsement does not fulfill the goals set forth in section 1691 of this chapter.

(4) Oversee and monitor the application and licensing process administered by the office. The Standards Board may, by adoption of a written policy that is posted on the Agency's website, allow specific military credentials to satisfy one or more requirements for licensure.

\* \* \*

Sec. 8. 16 V.S.A. § 1695a is added to read:

§ 1695a. PRE-APPLICATION CRIMINAL BACKGROUND  
DETERMINATION; UNIFORM PROCESS FOR FOREIGN  
CREDENTIAL VERIFICATION

(a) Pre-application criminal background determination. An individual may request a pre-application determination of the individual's criminal background. The pre-application determination shall adhere to the process set forth in section 254 of this title. Results of a pre-application determination shall not be binding on the Secretary in a future application.

(1) The individual's request for a pre-application determination shall include documentation related to criminal conviction or substantiation, evidence of rehabilitation or mitigation, and identification of which license and any endorsement the individual will seek.

(2) The individual shall submit this request on a form provided by the Secretary, accompanied by the pre-application criminal background determination fee set forth in section 1697 of this chapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.

(3) The Secretary shall:

(A) process a request within 30 days of receiving a complete request;

(B) assess the nature of any underlying convictions and substantiations, the nexus to the license and endorsement sought, and the provided evidence of rehabilitation or mitigation; and

(C) respond to the individual's request in writing, stating whether the individual may seek licensure.

(b) Uniform process for foreign credential verification.

(1) The Standards Board shall adopt rules in consultation with the Secretary that prescribe a process for the Secretary to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for professional educators.

(2) Any determination of equivalence by the Secretary under this subsection (b) shall be in consultation with the Standards Board, recorded in the applicant's licensing file, and binding upon the Secretary.

(3) In administering this subsection, the Secretary may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(4) The provisions relating to preliminary license denials set forth in subsection 1704(a) of this chapter shall apply to a license application that is preliminarily denied for nonequivalence under this subsection.

Sec. 9. 16 V.S.A. § 1696 is amended to read:

§ 1696. LICENSING

\* \* \*

(b) License by reciprocity.

(1) By rule, the Standards Board shall establish standards according to which an applicant who meets the licensing standards of another state with standards substantially similar to Vermont's may be accorded a license in this State, provided the other state recognizes, by substantially reciprocal regulations or laws, licenses issued in this State.

(2) Eligibility for licensure under this subsection shall be in addition to eligibility for licensure under subdivision 1694(3)(B) of this chapter.

\* \* \*

Sec. 10. 16 V.S.A. § 1697 is amended to read:

§ 1697. FEES

(a) Each individual applicant and licensee shall be subject to the following fees:

\* \* \*

(8) Pre-application criminal background determination      \$25.00

(b) Pursuant to qualifications and procedures determined by the Secretary, the Agency shall, upon request, waive application fees to qualified military members and military spouses.

(c) Fees collected under this section shall be credited to special funds established and managed pursuant to 32 V.S.A. chapter 7, subchapter 5, and shall be available to the Agency to offset the costs of providing those services.

\* \* \* Electricians \* \* \*

Sec. 11. 26 V.S.A. § 901 is amended to read:

§ 901. ELECTRICIANS' LICENSING BOARD; MEMBERSHIP; POWERS

(a) Creation. A board for the licensing of electricians is created, to be known as the "Electricians' Licensing Board."

(b) Membership. The ~~board~~ Board consists of the Commissioner of Public Safety or a member of that Department designated by the Commissioner and four persons appointed by the Governor with the advice and consent of the Senate.

(1) The four appointed members shall serve for terms of three years, beginning on July 1 in the year of appointment, and they shall include one licensed master electrician, one licensed journeyman electrician, one person associated with the public electrical utility industry who is knowledgeable in technical as well as operational issues of the electrical utility industry, and one person associated with the fire insurance industry.

(2) ~~No~~ Not more than two appointed members' terms shall expire in the same year.

(e)(3) The Governor shall appoint one of the members of the Board to serve as its chair.

(c) Continuing education; sunset review.

(1) Not less than once every five years, the Board shall review electricians' continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

- (A) the renewal requirements for electricians;
- (B) the renewal requirements in other jurisdictions, particularly in the Northeast region;
- (C) the cost of the renewal requirements for electricians;
- (D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and
- (E) recommendations to the Commissioner on whether the continuing education or other continuing competency requirements should be modified.

(2) The Commissioner shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 12. 26 V.S.A. § 905 is amended to read:

§ 905. APPLICATION; EXAMINATIONS AND FEES

\* \* \*

(g) Pursuant to qualifications and procedures determined by the Commissioner, the Board shall, upon request, waive application fees for qualified military members and military spouses.

Sec. 13. 26 V.S.A. § 906 is amended to read:

§ 906. EXAMINATIONS NOT REQUIRED

(a) Generally. A license for an individual who is licensed by another state or who has received designation by the U.S. Armed Forces as a ~~12R Electrician~~ electrician or equivalent shall be issued without examination as provided pursuant to this section on payment of the required fee.

(b)(1) Reciprocity. A master's or journeyman's license, as the case may be, shall be issued to a person to whom a master electrician's license or a journeyman electrician's license has been previously issued by another state, whose standards are equivalent to those of this State, if under the laws or regulations of the state issuing the license a similar privilege is granted to electricians licensed under the laws of this State.

(2) Uniform process for endorsement from other states.

(A) The Board shall issue a license to master and journeyman electricians who have been licensed in good standing in another jurisdiction within the United States for at least three years, regardless of whether that jurisdiction meets the reciprocity requirements of subdivision (1) of this subsection.

(B) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(C) The Commissioner may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

(c) Except as otherwise provided by law, a journeyman's license shall be issued to a service member or veteran who:

(1) submits a complete application and any documentation required by the Board;

(2) has received designation by the U.S. Armed Forces as a 12R ~~Electrician~~ electrician or equivalent; and

(3) has completed a minimum of 8,000 hours and four years of active duty field work as a 12R ~~Electrician~~ electrician or equivalent.

\* \* \*

Sec. 14. 26 V.S.A. § 907 is amended to read:

§ 907. RECOGNITION OF EXPERIENCE

(a) The Board, in determining the qualifications of an applicant for a license, may in its discretion give recognition:

(1) in the case of an application for a master's license, to the applicant's experience as a licensed journeyman in another state;

(2) in the case of an application for a journeyman's license, to an apprenticeship served in another state; or

(3) to experience or prior qualifications.

(b)(1) The Board, in determining the qualifications of a service member or veteran, as defined pursuant to section 906 of this subchapter, who is applying for a master's license, shall give recognition to the applicant's:

(1)(A) experience as a 12R electrician or equivalent in the U.S. Armed Forces; and

(2)(B) other experience or prior qualifications.

(2) The Board may evaluate specific military credentials to determine equivalency to credentials within the Board's jurisdiction. The determinations shall be adopted through written policy that shall be posted on the Board's website.

(c)(1) The Commissioner shall adopt rules in consultation with the Board that prescribe a process for the Commissioner to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for electricians.

(2) Any determination of equivalence by the Commissioner under this subsection shall be in consultation with the Board, recorded in the applicant's licensing file, and binding upon the Board.

(3) In administering this section, the Board may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

\* \* \* Board of Medical Practice \* \* \*

Sec. 15. 26 V.S.A. § 1353 is amended to read:

#### § 1353. POWERS AND DUTIES OF THE BOARD

The Board shall have the following powers and duties to:

\* \* \*

(11) Provide a pre-application determination of an individual's criminal background. This determination shall not be binding on the Board in a future application if the individual violates probation or parole or is convicted of another crime following the determination.

(A) The Board shall initiate this determination upon an individual's "second chance" determination request. This request shall provide documentation related to the individual's conviction or convictions, evidence of rehabilitation, and identification of the profession or professions for which the individual seeks licensure.

(B) The individual shall submit this request online, accompanied by the fee for pre-application determinations set forth in section 1401a of this chapter. If the individual thereafter applies for licensure, this pre-application fee shall be deducted from that license application fee.



(C) The Board shall:

(i) process a request within 30 days of receiving a complete request;

(ii) assess the nature of the underlying conviction or convictions, the nexus to the profession or professions for which the individual seeks licensure, and the provided evidence of rehabilitation; and

(iii) respond to the individual's request in writing.

(12)(A) Establish uniform procedures applicable to all of the professions under its jurisdiction, providing for:

(i) appropriate recognition of education, training, or service completed by a member of the U.S. Armed Forces toward the requirements of professional licensure;

(ii) expedited issuance of a professional license to a person who is licensed in good standing in another regulatory jurisdiction:

(I) whose spouse is a member of the U.S. Armed Forces and who has been subject to a military transfer to Vermont; and

(II) who left employment to accompany his or her spouse to Vermont.

(B) The Board may evaluate specific military credentials to determine equivalency to credentials within the Board's jurisdiction. The determinations shall be adopted through written policy that shall be posted on the Board's website.

(13)(A) Adopt rules that prescribe a process for the Board to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for those professions within the Board's jurisdiction.

(B) Any determination of equivalence by the Board under this subdivision (13) shall be recorded in the applicant's licensing file.

(C) In administering this section, the Board may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(14)(A) Not less than once every five years, review the continuing education and other continuing competency requirements for each of the professions it regulates. The review results shall be in writing and address the following:

- (i) the renewal requirements of the profession;
- (ii) the renewal requirements in other jurisdictions, particularly in the Northeast region;
- (iii) the cost of the renewal requirements for the profession's licensees;
- (iv) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and
- (v) recommendations to the Commissioner of Health on whether the continuing education or other continuing competency requirements should be modified.

(B) The Commissioner of Health shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 16. 26 V.S.A. § 372 is amended to read:

#### § 372. LICENSURE WITHOUT EXAMINATION

(a) A person who is licensed under the laws of another jurisdiction and who desires licensure as a podiatrist without examination shall apply to the Board in writing on a form furnished by it and pay the specified fee. The Board shall license ~~such persons~~ that person if it deems that ~~they have~~ person has met requirements in the other jurisdiction that are substantially equal to those of this State. The Board may ~~make~~ adopt such rules as are reasonable and necessary for the protection of the public to ~~assure~~ ensure that applicants under this section are professionally qualified.

(b)(1) The Board shall have an endorsement process for podiatrist licensure that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially equal to those of this State, so long as the applicant meets one of the following postgraduate training requirements:

(A) A graduate of a U.S. or Canadian podiatric school accredited by a body that is acceptable to the Board shall have successfully completed at least two years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board; or

(B) A graduate of a Board-approved podiatric school outside the United States or Canada shall have successfully completed at least three years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.

(2) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(3) The Board may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

Sec. 17. 26 V.S.A. § 1395 is amended to read:

§ 1395. LICENSE WITHOUT EXAMINATION BY ENDORSEMENT

~~(a) Without examination, the Board may, upon payment of the required fee, issue a license to a reputable physician who personally appears and presents a certified copy of a certificate of registration or a license issued to him or her in a jurisdiction whose requirements for registration are deemed by the Board as equivalent to those of this State, providing that such jurisdiction grants the same reciprocity to a Vermont physician or by the National Board of Medical Examiners. The Board shall have an endorsement process for physician licensure that requires not more than three years of practice in good standing in another jurisdiction within the United States, regardless of whether that jurisdiction has licensing requirements substantially equal to those of this State, provided the applicant meets one of the following postgraduate training requirements:~~

(1) A graduate of a U.S. or Canadian medical school accredited by a body that is acceptable to the Board shall have successfully completed at least two years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.

(2) A graduate of a Board-approved medical school outside the United States or Canada shall have successfully completed at least three years of postgraduate training in a U.S. or Canadian program accredited by an organization that is acceptable to the Board.

~~(b) Without examination, the Board may issue a license to a reputable physician who is a resident of a foreign country and who shall furnish the Board with satisfactory proof that he or she has been appointed to the faculty of a medical college accredited by the Liaison Committee on Medical Education (LCME) and located within the State of Vermont. An applicant for a license under this subsection shall furnish the Board with satisfactory proof that he or she has attained the age of majority, is of good moral character, is licensed to practice medicine in his or her country of residence, and that he or~~

~~she has been appointed to the faculty of an LCME accredited medical college located within the State of Vermont. The information submitted to the Board concerning the applicant's faculty appointment shall include detailed information concerning the nature and term of the appointment and the method by which the performance of the applicant will be monitored and evaluated. A license issued under this subsection shall be for a period no longer than the term of the applicant's faculty appointment and may, in the discretion of the Board, be for a shorter period. A license issued under this subsection shall expire automatically upon termination for any reason of the licensee's faculty appointment. If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.~~

(c) The Board may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

Sec. 18. 26 V.S.A. § 1401a is amended to read:

§ 1401a. FEES

(a) The Department of Health shall collect the following fees:

\* \* \*

(4) Pursuant to qualifications and procedures determined by the Board, the Department shall, upon request, waive application fees to qualified military members and military spouses.

(b) The Department of Health may charge the following fees:

\* \* \*

(5) Pre-application criminal background determination, \$25.00.

\* \* \*

\* \* \* Nursing \* \* \*

Sec. 19. 26 V.S.A. § 1625 is amended to read:

§ 1625. PRACTICAL NURSE LICENSURE BY EXAMINATION

To be eligible for licensure as a practical nurse by examination, an applicant shall:

(1) complete an approved U.S. practical nursing education program meeting requirements set by the Board by rule or completion of equivalent study in a program conducted by the U.S. Armed Forces satisfactory to the Director; and

(2) complete examinations as determined by the Board.

\* \* \* Plumbers \* \* \*

Sec. 20. 26 V.S.A. § 2181 is amended to read:

§ 2181. PLUMBER'S EXAMINING BOARD; MEMBERSHIP; POWERS

(a) Creation. A The Plumber's Examining Board, within the Department of Public Safety, ~~hereinafter called "Board,"~~ shall consist of five members, one of whom shall be the Commissioner of Public Safety or designee and one of whom shall represent the Commissioner of Health or designee. The remaining three members shall be appointed by the Governor with the advice and consent of the Senate. One of the appointive members shall be a master plumber, one shall be a journey plumber, and one shall be a public member not associated with the plumbing or heating trades.

(b) General authority. The Board shall have authority to examine and license master plumbers and journeyman plumbers and specialists and shall have the right to make reasonable rules.

(c) Disciplinary actions. Upon notice to the affected person and after a hearing, the Board may refuse to issue a license or may suspend or revoke a license or may take other disciplinary action against a licensee for any of the following reasons:

\* \* \*

(d) Military credentials. The Board may evaluate specific military credentials to determine equivalency to credentials within its jurisdiction. The determinations shall be adopted through written policy that shall be posted on the Board's website.

(e) Foreign credential verification.

(1) The Commissioner shall adopt rules in consultation with the Board that prescribe a process for the Commissioner to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for plumbers.

(2) Any determination of equivalence by the Commissioner under this subsection shall be in consultation with the Board, recorded in the applicant's licensing file, and binding upon the Board.

(3) In administering this subsection, the Board may rely upon third-party credential verification services. The cost of such services shall be paid by the applicant.

(f) Continuing education; sunset review.

(1) Not less than once every five years, the Board shall review plumbers' continuing education or other continuing competency requirements. The review results shall be in writing and address the following:

(A) the renewal requirements of the profession;

(B) the renewal requirements in other jurisdictions, particularly in the Northeast region;

(C) the cost of the renewal requirements for the profession's licensees;

(D) an analysis of the utility and effectiveness of the renewal requirements with respect to public protection; and

(E) recommendations to the Commissioner on whether the continuing education or other continuing competency requirements should be modified.

(2) The Commissioner shall respond to the Board within 45 days of its submitted review results. The Commissioner may require the Board to reduce, modify, or otherwise change the renewal requirements, including by proposing any necessary amendments to statute or rule.

Sec. 21. 26 V.S.A. § 2193 is amended to read:

§ 2193. APPLICATIONS AND EXAMINATIONS; FEES

\* \* \*

(e) Pursuant to qualifications and procedures determined by the Commissioner, the Board shall, upon request, waive application fees to qualified military members and military spouses.

Sec. 22. 26 V.S.A. § 2194 is amended to read:

§ 2194. EXAMINATIONS NOT REQUIRED; TEMPORARY LICENSES

(a) Generally.

(1) Reciprocity.

(A) Appropriate licenses without examination may be issued to a person to whom a master plumber's license or a journeyman plumber's license or a specialty license or equivalent has been previously issued by another state or municipality upon the payment of the required fee if:

~~(A)(i)~~ that state or municipality maintained a standard of requirements equivalent to those of this State; and

~~(B)(ii)~~ the applicant presents satisfactory proof to the Board that he or she is a bona fide licensee.

~~(2)(B)~~ An applicant under this ~~subsection~~ subdivision (1) shall be exempt from examination only if the applicant holds a license from a foreign state or municipality and if under the laws or regulations of the foreign state or municipality issuing the license a like exemption or reciprocal agreement, or both, is granted to licensees under the laws of this State.

(2) Uniform process for endorsement from other states.

(A) The Board shall issue licenses for master plumbers and journeyman plumbers and specialists who have been licensed in good standing in another jurisdiction within the United States for at least three years, regardless of whether that jurisdiction meets the reciprocity requirements of subdivision (1) of this subsection.

(B) If the Board determines that three years of demonstrated practice in another specific jurisdiction is not adequately protective of the public, it shall provide its rationale to the Commissioner, who may propose any necessary statutory or rule amendments in order to implement more restrictive requirements for endorsement for that jurisdiction.

(C) The Commissioner may issue to an endorsement applicant a waiver of the practice requirement if there is a showing that the waiver follows State policy and the public is adequately protected.

(b) Service members and veterans. Except as otherwise provided by law, a journeyman's license shall be issued without examination and upon payment of the required fee to an applicant who is a service member or veteran who:

\* \* \*

(c) Definitions. As used in this section:

\* \* \*

\* \* \* Electricians and Plumbers; Criminal Backgrounds \* \* \*

Sec. 23. ELECTRICIAN AND PLUMBER LICENSING BOARDS;  
RECOMMENDATIONS REGARDING LICENSEE CRIMINAL  
BACKGROUND

On or before January 15, 2021, the Electricians' Licensing Board and the Plumbers' Examining Board shall each report to the House Committees on Government Operations and on General, Housing, and Military Affairs and to the Senate Committees on Government Operations and on Economic Development, Housing and General Affairs any recommendations regarding whether the law regulating their respective professions should be amended to:

(1) provide that criminal convictions constitute unprofessional conduct and therefore grounds on which the Board may deny initial licensure or license renewal or otherwise discipline a licensee and, if so, whether this authority should be limited to certain convictions; and

(2) require an applicant for initial licensure or license renewal, or both, to submit to a criminal background check as part of the application process.

\* \* \* Rules \* \* \*

#### Sec. 24. ADOPTION OF REQUIRED RULES

An agency required to adopt rules under this act shall finally adopt those rules on or before July 1, 2021, unless that deadline is extended by the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 843(c).

\* \* \* Effective Dates \* \* \*

#### Sec. 25. EFFECTIVE DATES

This act shall take effect on April 1, 2021, except that this section and Sec. 23 (electrician and plumber licensing boards; recommendations regarding licensee criminal backgrounds) shall take effect on passage.

### CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Utility Commission shall be fully and separately acted upon.

Craig Bolio of Winooski – Commissioner, Department of Taxes – By Sen. Cummings for the Committee on Finance. (01/21/20)

Sabina Brochu of Williston - Member, State Board of Education - By Sen. Ingram for the Committee on Education. (01/24/20)

Kyle Courtois of Georgia - Member, State Board of Education - By Sen. Perchlik for the Committee on Education. (01/24/20)



Margaret Tandoh of South Burlington – Member, Board of Medical Practice – By Sen. McCormack for the Committee on Health and Welfare. (02/11/20)

Holly Morehouse of Burlington – Member, Children and Family Council for Prevention Programs – By Sen. Lyons for the Committee on Health and Welfare. (02/12/20)

Susan Hayward of Middlesex – Member, Capitol Complex Commission – By Sen. Benning for the Committee on Institutions. (02/14/20)

Heather Shouldice of Montpelier – Member, Capitol Complex Commission – By Sen. Benning for the Committee on Institutions. (02/14/20)

Dorinne Dorfman of Waterbury Center – Member, Children and Family Council for Prevention Programs – Sen. Cummings for the Committee on Health and Welfare. (02/25/20)

Richard Bernstein of Jericho – Member, Board of Medical Practice – Sen. Ingram for the Committee on Health and Welfare. (03/10/20)

Dawn Philibert of Williston – Member, State Board of Health – Sen. Ingram for the Committee on Health and Welfare. (03/10/20)

#### **JFO NOTICE**

**JFO #3018** – \$35,845,657 from the Federal Emergency Management Agency (FEMA) to the VT Dept. of Labor (VDOL). The funds will be used to provide retroactive supplemental unemployment benefits in the amount of \$300 per week for the weeks ending 8/1/20, 8/8/20, and 8/15/20. The funds come from the \$44 billion that was reallocated from the federal Disaster Relief Fund per the President’s executive order dated August 8, 2020. FEMA has authorized states to use existing unemployment payments towards the 25% state match requirement, and the intent of VDOL is to use this avenue. No new state funds will be obligated upon approval of this grant, per the Administration.

*[JFO received 08/25/20]*

#### **FOR INFORMATION ONLY**

##### **Text of the bill is as follows:**

An act relating to making certain amendments to the Front-Line Employees Hazard Pay Grant Program

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

Sec. 1. 2020 Acts and Resolves No. 136, Sec. 6 is amended to read:

Sec. 6. FRONT-LINE EMPLOYEES HAZARD PAY GRANT PROGRAM

(a)(1) There is established in the Agency of Human Services the Front-Line Employees Hazard Pay Grant Program to administer and award grants to certain public safety, public health, health care, and human services employers whose employees were engaged in activities substantially dedicated to mitigating or responding to the COVID-19 public health emergency during the eligible period.

(2) The sum of ~~\$28,000,000.00~~ \$30,500,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for the administration and payment of grants pursuant to the Front-Line Employees Hazard Pay Grant Program established in subdivision (1) of this subsection.

(b) As used in this section:

(1) “Agency” means the Agency of Human Services.

(2)(A) “Covered employer” means an entity that employs one or more individuals in Vermont in relation to its operation of one of the following:

(i) an assisted living residence as defined in 33 V.S.A. § 7102;

(ii) a nursing home as defined in 33 V.S.A. § 7102 and any employer that a nursing home has contracted with for the provision of physical, speech, respiratory, or occupational therapy, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided in the nursing home;

(iii) a residential care home as defined in 33 V.S.A. § 7102;

(iv) a therapeutic community residence as defined in 33 V.S.A. § 7102;

(v) a health care facility as defined in 18 V.S.A. § 9432 or a physician’s office;

(vi) a dentist’s office or a dental facility;

(vii) a homeless shelter, including a lodging establishment as defined in 18 V.S.A. § 4301, that, during the eligible period, provided temporary housing to homeless individuals pursuant to an agreement with the Department for Children and Families;

(viii) a home health agency as defined in 33 V.S.A. § 6302 and any employer that a home health agency has contracted with to provide physical, speech, respiratory, or occupational therapy on its behalf, provided

that such an employer shall only be permitted to receive a grant to provide hazard pay to its employees for therapy services provided on behalf of the home health agency;

(ix) a federally qualified health center, rural health clinic, or clinic for the uninsured;

(x) a program licensed by the Department for Children and Families as a residential treatment program;

(xi) an ambulance service or first responder service as defined in 24 V.S.A. § 2651;

(xii) a morgue; or

(xiii) a provider of necessities and services to vulnerable or disadvantaged populations;

(xiv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period; or

(xv) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period.

\* \* \*

(3)(A) “Elevated risk of exposure to COVID-19” means the performance of a job that:

(i) has high potential for exposure to known or suspected sources of COVID-19, including through;

(I) providing in-person services or care to members of the public, patients, residents, or clients; or

(II) cleaning or sanitizing the premises of a covered employer in a location that is used by members of the public, patients, residents, clients, or individuals who are known or suspected to have COVID-19;

(ii)(I) requires frequent physical contact or close contact, or both, with ~~people~~ individuals who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients; or

(II) involves regularly cleaning or sanitizing the premises of a covered employer in a location that is regularly used by individuals who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients; or

(iii) is located in an area or facility with ongoing community transmission of SARS-CoV-2 and requires regular, close contact with members of the public, patients, residents, or clients.

(B) As used in this subdivision (b)(3), “close contact” means interactions with another individual that require the employee to be within six feet of that individual.

(4)(A) “Eligible employee” means an individual who:

(i) ~~is~~ was employed during the eligible period by a covered employer that has applied for a grant through the Program;

(ii) ~~performs~~ performed a job that had an elevated risk of exposure to COVID-19 during the eligible period;

(iii) was unable to perform his or her job remotely or to telework, including by providing health care or other services by telephone, videoconference, or telehealth;

(iv) except in the case of employees of home health agencies and nursing homes, ~~earns~~ earned an hourly base wage of \$25.00 or less during the eligible period;

(v) worked at least 68 hours for a covered employer during the eligible period; and

(vi) is not eligible to receive monetary benefits for the performance of his or her job under any program authorized or implemented by the federal government.

\* \* \*

(C) “Eligible employee” does not include:

~~(i) an independent contractor or self-employed individual; or~~

~~(ii) an individual who has received unemployment insurance benefits for any week during the eligible period.~~

\* \* \*

(c)(1) A covered employer may apply to the Secretary for a lump sum grant to provide hazard pay to eligible employees in the following amounts for the eligible period:

\* \* \*

(2)(A) The number of hours worked by an eligible employee during the eligible period shall include any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the eligible employee because he or she contracted COVID-19 or was quarantined because of exposure to COVID-19.

(B) The number of hours worked by an eligible employee during the eligible period shall not include:

(i) any hours of employer-provided accrued paid leave or leave provided pursuant to the Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act that were used by the eligible employee to care for another individual; ~~and~~

(ii) any hours of remote or telework performed by the eligible employee, including the provision of healthcare or other services by telephone, videoconference, or telehealth; ~~and~~

(iii) any hours of work performed as an independent contractor or a sole proprietor.

\* \* \*

(3)(A) An eligible employee may elect not to receive hazard pay funded by a grant provided pursuant to the Program by providing notice to his or her employer pursuant to procedures adopted by the employer.

(B) For an individual who is eligible to receive a hazard pay grant directly from the Program pursuant to subsection (j) of this section, the eligible employee may elect not to receive the hazard pay grant by providing notice pursuant to procedures adopted by the Secretary.

\* \* \*

(7) A covered employer may identify potentially eligible employees who are no longer employed by the employer by providing the former employee's name, mailing address, and any other information required by the Secretary. The Program shall provide the individuals identified with notice of their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (j)(1) of section.

\* \* \*

(j)(1)(A) The Program shall provide each potentially eligible employee who has been identified as no longer employed by a covered employer with notice that he or she may be eligible to obtain a grant through the Program and information regarding how to apply for a grant. The notice and information shall be sent to the address provided by the individual's former employer.

(B) The notice sent to each potentially eligible employee pursuant to this subdivision (1) shall inform the individual that he or she may elect to decline the grant and provide him or her with information regarding how to do so.

(2)(A) Eligible employees who apply for a grant pursuant to this subsection (j) shall receive a grant directly from the Program in the appropriate amount set forth in subdivision (c)(1) of this section.

(B) Each eligible employee who receives a grant payment pursuant to this subsection (j) shall, together with his or her grant payment, be provided with written notice that the grant may be subject to income tax.

(k) Any personally identifiable information that is collected by the Program, any entity of State government performing a function of the Program, or any entity that the Secretary contracts with to perform a function of the Program shall be kept confidential and shall be exempt from inspection and copying under the Public Records Act.

## Sec. 2. HAZARD PAY; IDENTIFICATION OF FORMER EMPLOYEES

For each covered employer, as defined in Sec. 1 of this act, that submitted an application to the Front-Line Employees Hazard Pay Grant Program on or before the effective date of this act, the Secretary shall send notice to the covered employer that it may identify potentially eligible employees who were no longer employed by the employer at the time it submitted its initial application and provide information regarding how to identify such potentially eligible employees to the Program. The Program shall provide the individuals identified with notice of their potential eligibility and information regarding how to apply for a grant pursuant to the provisions of subdivision (j)(1) of Sec. 1 of this act.

## Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

**Text of the bill is as follows:**

An act relating to expanding the Front-Line Employees Hazard Pay Grant Program

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

Sec. 1. 2020 Acts and Resolves No. 136, Sec. 6 is amended to read:

Sec. 6. FRONT-LINE EMPLOYEES HAZARD PAY GRANT PROGRAM

(a)(1) There is established in the Agency of Human Services the Front-Line Employees Hazard Pay Grant Program to administer and award grants to certain ~~public safety, public health, health care, and human services~~ employers whose employees were engaged in activities substantially dedicated to mitigating or responding to the COVID-19 public health emergency during the eligible period or were providing essential services to Vermonters.

\* \* \*

(b) As used in this section:

(1) “Agency” means the Agency of Human Services.

(2)(A) “Covered employer” means an entity that employs one or more individuals in Vermont in relation to its operation of one of the following:

\* \* \*

(xiv) a cleaning or janitorial service that provides cleaning or janitorial services to a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A) in locations that are open to the general public or regularly used by the residents or patients of that covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided cleaning or janitorial services to another covered employer during the eligible period; ~~or~~

(xv) a food service provider that prepares and provides meals for residents or patients of a covered employer listed in subdivisions (i)–(v) and (vii)–(x) of this subdivision (b)(2)(A), provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided food services to the residents or patients of a covered employer during the eligible period;

(xvi) a grocery store;

(xvii) a pharmacy;

(xviii) a retailer identified as essential in Sec. 6, paragraphs f and h of Addendum 6 to Executive Order 01-20, provided that, during the eligible period, the retail establishment was open to the general public for in-person sales;

(xix) a wholesale distributor making deliveries to a retailer described in subdivisions (xiv)–(xvi) of this subdivision (b)(2)(A);

(xx) a trash collection or waste management service;

(xxi) a child care facility as defined in 33 V.S.A. § 3511 that provided child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;

(xxii) a vocational rehabilitation service provider;

(xxiii) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211; or

(xxiv) an agency licensed pursuant to 26 V.S.A. § 3172 that provides security services, as defined in 26 V.S.A. § 3151, to another covered employer, provided that such an employer shall only be permitted to receive a grant to provide hazard pay to its eligible employees who provided security services to another covered employer during the eligible period.

\* \* \*

~~(i)(1) The definition of “covered employer” set forth in subdivision (b)(2) of this section shall be deemed to include to the types of employers listed in subdivision (b)(2) of this subsection to the extent permitted by federal law and any applicable guidance if either of the following occurs:~~

~~(A) the permissible uses of monies in the Coronavirus Relief Fund pursuant to Sec. 5001 of the CARES Act, Pub. L. No. 116-136, as amended, and any related guidance are expanded to permit the payment of hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i); or~~

~~(B) a federal program that grants money directly to the State, which may be used to provide hazard pay to employees of some or all of the types of employers listed in subdivision (2) of this subsection (i), is enacted.~~

~~(2) The following types of employers may be deemed to be included within the definition of “covered employer” set forth in subdivision (b)(2) of this section if the requirements of subdivision (1) of this subsection are met:~~

~~(A) a grocery store;~~

~~(B) a pharmacy;~~



~~(C) a retailer identified as essential in Sec. 6, paragraphs f and h of addendum 6 to Executive Order 01-20, provided that, during the eligible period, the majority of the retail establishment was open to the general public for in-person sales rather than curbside pickup or delivery;~~

~~(D) a wholesale distributor making deliveries to a retailer described in subdivisions (A)–(C) of this subdivision (i)(2);~~

~~(E) a trash collection or waste management service;~~

~~(F) a janitorial service that provides cleaning or janitorial services to another covered employer;~~

~~(G) a child care facility as defined in 33 V.S.A. § 3511 that is providing child care services to essential service providers pursuant to Directive 2 of Executive Order 01-20;~~

~~(H) a vocational rehabilitation service provider; or~~

~~(I) a funeral establishment or crematory establishment as defined in 26 V.S.A. § 1211.~~

## Sec. 2. APPROPRIATION

The additional sum of \$19,500,000.00 is appropriated from the Coronavirus Relief Fund to the Agency of Human Services in fiscal year 2021 for the administration and payment of grants pursuant to the Front-Line Employees Hazard Pay Grant Program established in 2020 Acts and Resolves No. 136, Sec. 6.

## Sec. 3. DELEGATION OF ADMINISTRATIVE RESPONSIBILITIES

Notwithstanding any provision of 2020 Acts and Resolves No. 136, Sec. 6 to the contrary, the Secretary of Human Services may, with the approval of the Secretary of Administration, delegate administration of specific aspects of the Front-Line Employees Hazard Pay Grant Program to other agencies and departments of the State.

## Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.