

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 334 entitled “An act relating to temporary State employees”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

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

8 § 323. DEFINITIONS

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

10 * * *

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

13 (A) to prevent significant disruption to the continued operation of
14 State government;

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

17 (C) to avoid jeopardizing public safety.

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

1 ~~(3)~~(4) “Job evaluation” means the systematic method used to determine
2 the value of each job in relation to other jobs within the State service.

3 (5) “Seasonal employment” means employment in a temporary position
4 at the Department of Forests, Parks and Recreation, the Department of Fish
5 and Wildlife, or the Department of Taxes for a period of not more than seven
6 months, including temporary positions that are available on a reoccurring basis
7 from year to year.

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

9 § 331. TEMPORARY EMPLOYEES

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

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

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

17 (B) to respond to a bona fide emergency;

18 (C) to fill in for the temporary absence of an existing employee, or a
19 vacancy in an existing position; or

20 (D) to perform a governmental function that requires only
21 intermittent, sporadic, or ongoing employment ~~that averages less than 20 hours~~

1 ~~per week during any one calendar year~~, provided that such employment does
2 not exceed 1,280 work hours in any one calendar year.

3 * * *

4 (c)(1) The Commissioner may authorize the continued employment of a
5 person in a temporary capacity for more than 1,280 work hours in any one
6 calendar year if the Commissioner determines, in writing, that a bona fide
7 emergency exists for the appointing authority that requires such continued
8 employment. Authorization of temporary employment for more than 1,280
9 work hours in a calendar year shall not be required for seasonal employment,
10 as that term is defined pursuant to section 323 of this chapter. Annually, on or
11 before January 15, the Commissioner shall submit a report to the House
12 Committee on General, Housing, and Military Affairs and the House and
13 Senate Committees on Government Operations:

14 * * *

15 (2) It shall be the responsibility of the head of each department to
16 provide to the Department of Human Resources a detailed justification for each
17 waiver to exceed the 1,280-work-hour limit within his or her department and
18 such other information as may be required in order to enable that department to
19 carry out its responsibility under this section.

20 (d) The Commissioner may transfer and convert existing, vacant positions
21 in the Executive Branch of State government to replace the temporary

1 positions of long-term temporary employees who are performing ongoing and
2 continuing functions of State government ~~for more than an average of 20 hours~~
3 ~~per week during any one calendar year~~ or for more than 1,280 work hours in
4 any one calendar year.

5 * * *

6 (f) An individual employed in a temporary or seasonal capacity shall not be
7 terminated without good cause.

8 (g) An individual employed in a temporary or seasonal capacity shall be
9 entitled to the whistleblower protections, rights, and remedies provided to State
10 employees pursuant to sections 971–978 of this title.

11 Sec. 3. STATE TEMPORARY EMPLOYEES; REDUCTION; REPORT

12 (a) On or before January 15, 2020, the Secretary of Administration shall
13 submit a written report to the House and Senate Committees on Government
14 Operations regarding:

15 (1) the number of temporary employees, not including individuals
16 working in seasonal employment as defined pursuant to 3 V.S.A. § 323(5), that
17 are employed by the State in a temporary capacity pursuant to 3 V.S.A. § 331;
18 and

19 (2) the number of new, permanent classified positions that would need
20 to be created in order to reduce the amount of temporary employees employed
21 by the State by 50 percent.

1 (b) Beginning in Fiscal Year 2021, and in each of the four succeeding fiscal
2 years, the Secretary of Administration shall reduce the number of temporary
3 employees employed by the State, excluding individuals working in seasonal
4 employment as defined pursuant to 3 V.S.A. § 323(5), by an amount equal to
5 10 percent of the number of temporary employees identified pursuant to
6 subdivision (a)(1) of this section.

7 (c) Beginning in Fiscal Year 2021, and in each of the four succeeding fiscal
8 years, the total number of authorized State classified positions shall be
9 increased by an amount equal to 20 percent of the number of permanent
10 classified positions identified pursuant to subdivision (a)(2) of this section.

11 (d) On or before June 30, 2020, the Secretary of Administration shall create
12 30 new Correctional Officer I positions in the Department of Corrections
13 pursuant to the Position Pilot Program authorized in 2014 Acts and Resolves
14 No. 179, Sec. E.100(d), as amended.

15 Sec. 4. 4 V.S.A. § 40 is added to read:

16 § 40. REPORT ON TEMPORARY EMPLOYEES

17 (a) Annually, on or before January 15, the State Court Administrator shall
18 submit a report to the House Committee on General, Housing, and Military
19 Affairs and the House and Senate Committees on Government Operations
20 identifying:

1 (1) the total number of individuals employed by the Judiciary
2 Department on a temporary basis who have worked in excess of 1,280 hours in
3 the prior calendar year, excluding employees identified in 3 V.S.A. § 1011(7),
4 (8)(A)–(D), (8)(F), and (8)(I)–(K);

5 (2) the total number of hours worked by each temporary employee
6 identified pursuant to subdivision (1) of this subsection; and

7 (3) the total number of years during which each temporary employee
8 identified pursuant to subdivision (1) of this subsection has worked for the
9 Judiciary Department.

10 (b) The provisions of 2 V.S.A. § 20(d) shall not apply to this section.

11 Sec. 5. EFFECTIVE DATE

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

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17 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE