

3 V.S.A. § 323. Definitions

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

- (1) "Accountability" means the degree to which the holder of a position is accountable for the end results of his or her job performance.
- (2) "Class" means one or more positions sufficiently similar in nature, scope, and accountability that the same title, test of fitness and schedule of compensation may be applied to each position.
- (3) "Job evaluation" means the systematic method used to determine the value of each job in relation to other jobs within the State service.
- (4) "Seasonal employment" means a temporary position that is available for only a portion of a year, has a defined beginning and end date, and may repeat on a yearly basis.
- (5) "Bona fide emergency" means an unanticipated need for short-term staffing to prevent significant disruption to the continued operation of State government or avoid serious or imminent harm to the public, critical services, other staff, or that would jeopardize public safety.

3 V.S.A. § 331. Temporary employees

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

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

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

(B) to respond to a bona fide emergency;

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

(D) to perform a governmental function that requires only intermittent, sporadic, or ongoing employment ~~that averages less than 20 hours per week during any one calendar year~~, provided that such employment does not exceed 1,280 hours in any one calendar year.

(2)(A) Except as provided in subdivision (b)(1) ~~above of this subsection~~, the Commissioner shall not approve the creation of a temporary position or the hiring of a person to fill such temporary position if the governmental function is ongoing and continuing.

(B) The Commissioner shall not approve the creation of a temporary position or the hiring of a person to fill such temporary position if approval is intended to circumvent, or has the effect of circumventing, the policies and purposes of the classified service under this chapter.

(c)(1) The Commissioner may authorize the continued employment of a person in a temporary capacity for more than 1,280 hours worked in any one calendar year if the Commissioner determines, in writing, that a bona fide emergency exists for the appointing authority that requires such continued employment. Authorization for temporary employment beyond 1,280 hours shall not be necessary for seasonal employment, as defined in section 323(4) of this chapter. Annually, on January 15, the Commissioner shall submit a report to the General Assembly:

(A) identifying the total number of temporary employees who have worked 1,280 hours or greater in the prior calendar year:

~~(i) 1,280 hours in the prior calendar year; or~~

~~(ii) in excess of 1,280 hours in the prior calendar year;~~

(B) identifying the agency or department that is assigned the temporary position;

(C) identifying the total number of hours worked by each temporary employee; and

(D) including a statement:

(i) recommending the conversion of the position to a permanent classified position; or

(ii) stating the reasons why the temporary position should be continued.

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

(d) The Commissioner may transfer and convert existing, vacant positions in the Executive Branch of State government to replace the temporary positions of long-term temporary employees who are performing ongoing and continuing functions of State government ~~for more than an average of 20 hours per week during any one calendar year or~~ for more than 1,280 hours worked in any one calendar year.

...