

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to  
3 which was referred Senate Bill No. 254 entitled “An act relating to union  
4 organizing” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

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

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

9 § 941. UNIT DETERMINATION, CERTIFICATION, AND  
10 REPRESENTATION

11 \* \* \*

12 (c) A petition may be filed with the Board, in accordance with procedures  
13 prescribed by the Board:

14 (1) By an employee or group of employees, or any individual or  
15 employee organization purporting to act in their behalf, alleging by filing a  
16 petition or petitions bearing signatures of not less than 30 percent of the  
17 employees, that they wish to form a bargaining unit and be represented for  
18 collective bargaining, or that the individual or employee organization currently  
19 certified as bargaining agent is no longer supported by at least 51 percent of  
20 the employees in the bargaining unit, or that they are now included in an

1 approved bargaining unit and wish to form a separate bargaining unit under  
2 Board criteria for purposes of collective bargaining.

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

8 (ii) An employee or group of employees, or any person purporting  
9 to act on their behalf, that is seeking to demonstrate that the individual or  
10 employee organization currently certified as bargaining agent is no longer  
11 supported by at least 51 percent of the employees in the bargaining unit shall  
12 not be entitled to obtain a list of the employees in the proposed bargaining unit  
13 pursuant to this subdivision (c)(2).

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

1 (d)(1) The Board, a Board member ~~thereof~~, or a person or persons  
2 designated by the Board shall investigate the petition; and do one of the  
3 following:

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

6 ~~(B)(i) If~~ (B)(i) If it finds reasonable cause to believe that a question of unit  
7 determination or representation exists, ~~an appropriate hearing shall be~~  
8 ~~scheduled before the Board upon due notice~~ the Board shall schedule a hearing  
9 to be held before the Board not more than eight days after the petition was filed  
10 with the Board unless:

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

13 (II) the Board determines that the time for the hearing must be  
14 extended due to an insufficient number of Board members being available to  
15 hold a hearing or the Executive Director of the Board is unavailable due to  
16 leave.

17 (ii) Once scheduled, the date of the hearing shall not be subject to  
18 change. ~~Upon request, the results of the investigation shall be made available~~  
19 ~~by the Board to the petitioners and all intervenors, if any, including the duly~~  
20 ~~certified bargaining representative prior to giving notice of hearing. Written~~

1 ~~notice of the hearing shall be mailed by certified mail to the parties named in~~  
2 ~~the petition not less than seven calendar days before the hearing.~~

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

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

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

13 (2) Upon request, the results of the investigation shall be made available  
14 by the Board to the petitioners and all intervenors, if any, including the duly  
15 certified bargaining representative as soon as practicable after the investigation  
16 is completed.

17 (e)(1)(A) Whenever, as a result of a petition ~~and an appropriate~~ or hearing,  
18 the Board finds substantial interest among employees in forming a bargaining  
19 unit or being represent for purposes of collective bargaining, a secret ballot  
20 election shall be conducted by the Board ~~to be taken in such manner as to show~~  
21 not more than 21 days after the petition is filed with the Board.

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

2           (i) mutual agreement of the parties; or

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

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

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

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

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

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

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

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

9 (D) The list shall be kept confidential by the employer and the labor  
10 organization and shall be exempt from copying and inspection under the Public  
11 Records Act.

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

16 \* \* \*

17 (g)(1) In determining the representation of State employees in a collective  
18 bargaining unit, the Board shall conduct a secret ballot of the employees not  
19 more than 21 days after the petition is filed with the Board, unless the time to  
20 conduct the election is extended pursuant to subdivision (e)(1)(B) of this  
21 section, and certify the results to the interested parties and to the State

1 employer. The original ballot shall be so prepared as to permit a vote against  
2 representation by anyone named on the ballot. No representative will be  
3 certified with less than a majority of the votes cast.

4 \* \* \*

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

6 § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

7 (a)(1) An organization purporting to represent a majority of all of the  
8 teachers or administrators employed by the school board may be recognized by  
9 the school board without the necessity of a referendum upon the submission of  
10 a petition bearing the valid signatures of a majority of the teachers or  
11 administrators employed by that school board. Within 15 days after receiving  
12 the petition the school board shall notify the teachers or administrators of the  
13 school district in writing of its intention to either require or waive a secret  
14 ballot referendum. If the school board gives notice of its intention to waive a  
15 referendum and recognize an organization, 10 percent of the teachers or  
16 administrators employed by the school board may submit a petition within  
17 15 days thereafter, objecting to the granting ~~or~~ of recognition without a  
18 referendum, in which event a secret ballot referendum shall be held in the  
19 district for the purpose of choosing an exclusive representative ~~according to the~~  
20 ~~guidelines for referendum contained in this legislation~~ as provided pursuant to  
21 the provisions of this section.





1 representation, except during a period of prior recognition, as ~~hereinbefore~~  
2 provided pursuant to subsection (b) of this section.

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

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

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

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

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



1 to form a separate bargaining unit under Board criteria for purposes of  
2 collective bargaining.

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

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

10 (ii) An employee or group of employees, or any person purporting  
11 to act on their behalf, that is seeking to demonstrate that the individual or  
12 employee organization currently certified as bargaining agent is no longer  
13 supported by at least 51 percent of the employees in the bargaining unit shall  
14 not be entitled to obtain a list of the employees in the proposed bargaining unit  
15 pursuant to this subdivision (a)(2).

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

1 (b)(1) The Board, a Board member thereof, or a person or persons  
2 designated by the Board shall investigate the petition; and do one of the  
3 following:

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

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

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

15 (II) the Board determines that the time for the hearing must be  
16 extended due to an insufficient number of Board members being available to  
17 hold a hearing or the Executive Director of the Board is unavailable due to  
18 leave.

19 (ii) Once scheduled, the date of the hearing shall not be subject to  
20 change.



1 (i) mutual agreement of the parties; or

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

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

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

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



1                   \* \* \* Automatic Membership Dues Deduction \* \* \*

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

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

4                   \* \* \*

5           (e) Employees who are members of the employee organization shall have  
6     the right to automatic membership dues deductions. Upon receipt of a signed  
7     authorization to commence automatic membership dues deductions from an  
8     employee, the employer shall, as soon as practicable and in any event, no later  
9     than 30 calendar days after receiving the authorization, commence withholding  
10    from the employee's wages the amount of membership dues certified by the  
11    employee organization. The employer shall transmit the amount withheld to  
12    the employee organization on the same day as the employee is paid. Nothing  
13    in this subsection shall be construed to require a member of an employee  
14    organization to participate in automatic dues deduction.

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

16    § 1012. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

17                  \* \* \*

18           (e) Employees who are members of the employee organization shall have  
19    the right to automatic membership dues deductions. Upon receipt of a signed  
20    authorization to commence automatic membership dues deductions from an  
21    employee, the employer shall, as soon as practicable and in any event, no later



1 than 30 calendar days after receiving the authorization, commence withholding  
2 from the employee's wages the amount of membership dues certified by the  
3 employee organization. The employer shall transmit the amount withheld to  
4 the employee organization on the same day as the employee is paid. Nothing  
5 in this subsection shall be construed to require a member of an employee  
6 organization to participate in automatic dues deduction.

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

8 § 1982. RIGHTS

9 \* \* \*

10 (f) A teacher or administrator who is a member of the teachers' or  
11 administrators' organization shall have the right to automatic membership dues  
12 deductions. Upon receipt of a signed authorization to commence automatic  
13 membership dues deductions from a teacher or administrator, the school board  
14 shall, as soon as practicable and in any event, no later than 30 calendar days  
15 after receiving the authorization, commence withholding from the teacher's or  
16 administrator's wages the amount of membership dues certified by the  
17 teachers' or administrators' organization. The school board shall transmit the  
18 amount withheld to the teachers' or administrators' organization on the same  
19 day as the teacher or administrator is paid. Nothing in this subsection shall be  
20 construed to require a member of a teachers' or administrators' organization to  
21 participate in automatic dues deduction.

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

2 § 1645. AUTOMATIC MEMBERSHIP DUES DEDUCTION

3 Independent direct support providers who are members of the labor  
4 organization shall have the right to automatic membership dues deductions.  
5 Upon receipt of a signed authorization to commence automatic membership  
6 dues deductions from an independent direct support provider, the State shall, as  
7 soon as practicable and in any event, no later than 30 calendar days after  
8 receiving the authorization, commence withholding from the independent  
9 direct support provider’s wages the amount of membership dues certified by  
10 the labor organization. The State shall transmit the amount withheld to the  
11 labor organization on the same day as the independent direct support provider  
12 is paid. Nothing in this section shall be construed to require a member of a  
13 labor organization to participate in automatic dues deduction.

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

15 § 1737. AUTOMATIC MEMBERSHIP DUES DEDUCTION

16 Employees who are members of the employee organization shall have the  
17 right to automatic membership dues deductions. Upon receipt of a signed  
18 authorization to commence automatic membership dues deductions from an  
19 employee, the employer shall, as soon as practicable and in any event, no later  
20 than 30 calendar days after receiving the authorization, commence withholding  
21 from the employee’s wages the amount of membership dues certified by the

1 employee organization. The employer shall transmit the amount withheld to  
2 the employee organization on the same day as the employee is paid. Nothing  
3 in this section shall be construed to require a member of an employee  
4 organization to participate in automatic dues deduction.

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

6 § 3618. AUTOMATIC MEMBERSHIP DUES DEDUCTION

7 Early care and education providers who are members of the labor  
8 organization shall have the right to automatic membership dues deductions.  
9 Upon receipt of a signed authorization to commence automatic membership  
10 dues deductions from an early care and education provider, the State shall, as  
11 soon as practicable and in any event, no later than 30 calendar days after  
12 receiving the authorization, commence withholding from the subsidies paid to  
13 the early care and education provider the amount of membership dues certified  
14 by the labor organization. The State shall transmit the amount withheld to the  
15 labor organization on the same day as the subsidies are paid to the early care  
16 and education provider. Nothing in this section shall be construed to require a  
17 member of a labor organization to participate in automatic dues deduction.

18 \* \* \* Access to Employees in Bargaining Unit \* \* \*

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

20 § 909. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

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

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

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

16       (c)(1) Within 10 days after hiring a new employee in a bargaining unit, the  
17       employer shall provide the employee organization with his or her name, job  
18       title, worksite location, work telephone number and e-mail address, home  
19       address, personal e-mail address, home and personal cellular telephone  
20       numbers, and date of hire.

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

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

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

9           § 1022. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

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

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

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

5           (c)(1) Within 10 days after hiring a new employee in a bargaining unit, the  
6           employer shall provide the employee organization with his or her name, job  
7           title, worksite location, work telephone number and e-mail address, home  
8           address, personal e-mail address, home and personal cellular telephone  
9           numbers, and date of hire.

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

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

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

18           § 1984. ACCESS TO NEW TEACHERS OR ADMINISTRATORS IN  
19           BARGAINING UNIT

20           (a) A school board shall provide a teachers' or administrators' organization  
21           that is the exclusive representative of the teachers or administrators in a

1 bargaining unit with an opportunity to meet with each newly hired teacher or  
2 administrator in the bargaining unit to present information about the teachers'  
3 or administrators' organization.

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

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

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

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

16 (c)(1) Within 10 days after hiring a new teacher or administrator, the  
17 school board shall provide the teacher's or administrator's organization, as  
18 appropriate, with his or her name, job title, worksite location, work telephone  
19 number and e-mail address, home address, personal e-mail address, home and  
20 personal cellular telephone numbers, and date of hire.

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

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

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

10           § 1738. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

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





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(Committee vote: \_\_\_\_\_)

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE

DRAFT