

1 S.254

2 Senators ???? and ???? move that the bill be amended by striking out all
3 after the enacting clause and inserting in lieu thereof the following:

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

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

6 § 941. UNIT DETERMINATION, CERTIFICATION, AND
7 REPRESENTATION

8 * * *

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

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

1 the same time that the petition is filed with the Board, provide a copy of the
2 petition to the employer and, if appropriate, the current bargaining agent.

3 (2) An employee or group of employees, or any person purporting to act
4 on their behalf, that is seeking to demonstrate that the current bargaining agent
5 is no longer supported by at least 51 percent of the employees in the bargaining
6 unit shall not be entitled to obtain a list of the employees in the bargaining unit
7 from the employer.

8 (3)(A)(i) An employer shall, not more than four business days after
9 receiving a copy of the petition, file any objections to the appropriateness of
10 the proposed bargaining unit with the Board and provide a copy of the filing to
11 the employee, group of employees, individual, or employee organization that
12 filed the petition.

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

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

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

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

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

11 ~~(1)(2)(A)~~ if If it finds reasonable cause to believe that a question of unit
12 determination or representation exists, an appropriate hearing shall be
13 scheduled before the Board upon due notice the Board shall schedule a hearing
14 to be held before the Board not more than eight calendar days after the petition
15 was filed with the Board unless:

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

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

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

8 (ii) The time for a hearing shall not be extended pursuant to
9 subdivision (d)(2)(A)(i) or (ii) of this section for more than an additional
10 30 calendar days.

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

14 (ii) Questions of whether one or more employees should be
15 included in or excluded from the bargaining unit shall not be addressed without
16 the mutual agreement of the parties; provided, however, that the Board shall
17 note any employees or positions as to whom a question exists so that those
18 ballots may be separated from those of the other employees during the election.
19 If the parties mutually agree to address whether certain employees should be
20 included in or excluded from the bargaining unit, the date of the election shall

1 be not more than 15 calendar days after the Board issues its decision on those
2 questions.

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

14 ~~(2)(3)~~ dismiss the petition, based upon the If the Board finds an absence
15 of substantive evidence, it shall dismiss the petition.

16 (e)(1)(A) Whenever, as a result on the basis of a petition and an appropriate
17 pursuant to subdivision (d)(1) of this section or a hearing pursuant to
18 subdivision (d)(2) of this section, the Board finds substantial interest among
19 employees in forming a bargaining unit or being represented for purposes of
20 collective bargaining, a secret ballot election shall be conducted by the Board
21 to be taken in such manner as to show not more than 21 calendar days after the

1 petition is filed with the Board except as otherwise provided pursuant to
2 subdivision (2)(C) of subsection (d).

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

4 (i) mutual agreement of the parties; or

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

8 (C) The parties may mutually agree to extend the time for submission
9 of absentee ballots to a date after the election date.

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

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

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

5 (3)(A) Unless the employer and labor organization agree to a longer
6 period:

7 (i) The employer shall file with the Board and the labor
8 organization that will be named on the ballot a list of the employees in the
9 bargaining unit within two business days after the Board determines that a
10 secret ballot election shall be conducted.

11 (ii) If the parties subsequently stipulate to a different composition
12 of the bargaining unit, the employer shall file with the Board and the labor
13 organization that will be named on the ballot an amended list of the employees
14 in the bargaining unit within two business days after the parties enter into the
15 stipulation.

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

1 § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

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

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

20 (ii) An organization or group of teachers or administrators, or any
21 person purporting to act on their behalf, that is seeking to demonstrate that the

1 current exclusive representative of the teachers or administrators is no longer
2 supported by a majority of the teachers or administrators employed by that
3 school board shall not be entitled to obtain a list of the employees in the
4 bargaining unit pursuant to this subdivision (a)(2).

5 (B) Within two business days after receiving the petition, the school
6 board shall file with the organization a list of the names and job titles of the
7 teachers or administrators in the proposed bargaining unit. To the extent
8 possible, the list of employees shall be in alphabetical order by last name and
9 provided in electronic format.

10 * * *

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

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

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

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

2 § 1724. CERTIFICATION PROCEDURE

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

5 ~~(A)(i)~~ By an employee or group of employees, or any individual or
6 employee organization purporting to act in their behalf, alleging that not less
7 than 30 percent of the employees, wish to form a bargaining unit and be
8 represented for collective bargaining, or assert that the individual or employee
9 organization currently certified as bargaining agent is no longer supported by
10 at least 51 percent of the employees in the bargaining unit, or that not less than
11 51 percent of the employees now included in an approved bargaining unit wish
12 to form a separate bargaining unit under Board criteria for purposes of
13 collective bargaining. The employee, group of employees, individual, or
14 employee organization that files the petition shall, at the same time that the
15 petition is filed with the Board, provide a copy of the petition to the employer
16 and, if appropriate, the current bargaining agent.

17 (ii) An employee or group of employees, or any person purporting
18 to act on their behalf, that is seeking to demonstrate that the current bargaining
19 agent is no longer supported by at least 51 percent of the employees in the
20 bargaining unit shall not be entitled to obtain a list of the employees in the
21 bargaining unit from the employer.

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

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

10 (ii) A hearing shall be held before the Board pursuant to
11 subdivision (d)(1)(B) of this section in the event the appropriateness of the
12 proposed bargaining unit is challenged by an employer, provided that a hearing
13 shall not be held if the parties stipulate to the composition of the appropriate
14 bargaining unit before the hearing.

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

18 (B)(i) Within two business days after receiving a copy of the petition,
19 the employer shall file with the Board and the employee or group of
20 employees, or the individual or employee organization purporting to act in
21 their behalf, a list of the names and job titles of the employees in the proposed

1 bargaining unit. To the extent possible, the list of employees shall be in
2 alphabetical order by last name and provided in electronic format.

3 (ii) The Board may extend the time to provide the list to four
4 business days if the employer shows that providing the list within the time
5 period set forth in subdivision (i) of this subdivision (a)(2)(B) would constitute
6 a demonstrable hardship.

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

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

11 ~~(1)(2)(A) If~~ if it finds reasonable cause to believe that a question of unit
12 determination or representation exists, an appropriate hearing shall be
13 scheduled before the Board upon due notice. Written notice of the hearing
14 shall be mailed by certified mail to the parties named in the petition not less
15 than 14 calendar days before the hearing. the Board shall schedule a hearing to
16 be held before the Board not more than eight calendar days after the petition
17 was filed with the Board unless:

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

20 (ii) the Board determines that the time for the hearing must be
21 extended because an insufficient number of Board members are available to

1 hold a hearing or the Executive Director of the Board is unavailable due to
2 leave.

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

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

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

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

20 (D) Hearing procedure and notification of the results thereof of the
21 hearing shall be in accordance with rules ~~prescribed~~ adopted by the Board or,

1 except that the parties shall not be permitted to submit briefs to the Board after
2 the conclusion of the hearing unless the parties mutually agree to do so and the
3 Board consents.

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

9 ~~(2)(3) dismiss the petition, based upon the~~ If the Board finds an absence
10 of substantive evidence it shall dismiss the petition.

11 * * *

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

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

19 (i) mutual agreement of the parties; or

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

4 (C) The parties may mutually agree to extend the time for submission
5 of absentee ballots to a date after the election date.

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

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

20 (C) The Board shall, if necessary, hold a hearing not more than 30
21 calendar days after the election to determine any outstanding questions as to

1 whether certain employees should be included in or excluded from the
2 bargaining unit.

3 (3)(A) Unless the employer and the individual or labor organization
4 seeking to represent the bargaining unit agree to a longer period:

5 (i) The employer shall file with the Board and the labor
6 organization that will be named on the ballot a list of the employees in the
7 bargaining unit within two business days after the Board determines that a
8 secret ballot election shall be conducted.

9 (ii) If the parties subsequently stipulate to a different composition
10 of the bargaining unit, the employer shall file with the Board and the labor
11 organization that will be named on the ballot an amended list of the employees
12 in the bargaining unit within two business days after the parties enter into the
13 stipulation.

14 (iii) In the absence of a mutual agreement to extend the time
15 periods set forth in subdivisions (i) and (ii) of this subdivision (e)(3)(A), the
16 Board may extend the time to provide the list to four business days if the
17 employer shows that providing the list within the time period set forth in
18 subdivision (i) or (ii) of this subdivision (e)(3)(A) would constitute a
19 demonstrable hardship.

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

1 this subdivision (3), “contact information” includes an employee’s home
2 address, personal e-mail address, and home and personal cellular telephone
3 numbers to the extent that the employer is in possession of such information.

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

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

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

14 * * *

15 * * * Automatic Membership Dues Deduction * * *

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

17 § 903. EMPLOYEES’ RIGHTS AND DUTIES; PROHIBITED ACTS

18 * * *

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

1 employee, the employer shall, as soon as practicable and in any event, not later
2 than 30 calendar days after receiving the authorization, commence withholding
3 from the employee’s wages the amount of membership dues certified by the
4 employee organization. The employer shall transmit the amount withheld to
5 the employee organization on the same day as the employee is paid. Nothing
6 in this subsection shall be construed to require a member of an employee
7 organization to participate in automatic dues deduction.

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

9 § 1012. EMPLOYEES’ RIGHTS AND DUTIES; PROHIBITED ACTS

10 * * *

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

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

1 § 1982. RIGHTS

2 * * *

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

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

16 § 1645. AUTOMATIC MEMBERSHIP DUES DEDUCTION

17 Independent direct support providers who are members of the labor
18 organization shall have the right to automatic membership dues deductions.
19 Upon receipt of a signed authorization to commence automatic membership
20 dues deductions from an independent direct support provider, the State shall, as
21 soon as practicable and in any event, not later than 30 calendar days after

1 receiving the authorization, commence withholding from the independent
2 direct support provider's wages the amount of membership dues certified by
3 the labor organization. The State shall transmit the amount withheld to the
4 labor organization on the same day as the independent direct support provider
5 is paid. Nothing in this section shall be construed to require a member of a
6 labor organization to participate in automatic dues deduction.

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

8 § 1737. AUTOMATIC MEMBERSHIP DUES DEDUCTION

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

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

1 § 3618. AUTOMATIC MEMBERSHIP DUES DEDUCTION

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

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

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

15 § 909. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

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

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

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

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

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

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

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

5 § 1022. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

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

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

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

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

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

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

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

14 § 1984. ACCESS TO NEW TEACHERS OR ADMINISTRATORS IN
15 BARGAINING UNIT

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

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

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

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

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

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

18 (2) The teacher’s or administrator’s home address, personal e-mail
19 address, and home and personal cellular telephone numbers shall be kept
20 confidential by the employer and the teacher’s or administrator’s organization

1 and shall be exempt from copying and inspection under the Public Records
2 Act.

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

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

7 § 1738. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

15 (2) If the meeting is not held during the new employee’s orientation, it
16 shall be held during the new employee’s regular work hours and at his or her
17 regular worksite or a location mutually agreed to by the employer and the
18 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 calendar days after hiring a new employee in a bargaining
6 unit, the employer shall provide the employee organization with his or her
7 name, job title, worksite location, work telephone number and e-mail address,
8 home 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 calendar days’ notice of an orientation for newly hired employees in a
16 bargaining unit.

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

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

19 **§ 910. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT**

20 **(a) Annually, or on a more frequent basis if mutually agreed to by the**
21 **employer and the employee organization, the employer shall provide the**

1 employee organization that is the exclusive representative of a bargaining unit
2 with a list of all employees in that bargaining unit.

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

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

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

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

14 § 1023. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

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

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

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

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

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

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

9 § 1985. ANNUAL LIST OF TEACHERS OR ADMINISTRATORS IN
10 BARGAINING UNIT

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

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

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

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

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

7 **§ 1739. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT**

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

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

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

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

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

2 **§ 1646. ANNUAL LIST OF INDEPENDENT DIRECT SUPPORT**

3 **PROVIDERS IN BARGAINING UNIT**

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

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

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

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

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

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

2 **§ 3619. ANNUAL LIST OF EARLY CARE AND EDUCATION**

3 **PROVIDERS IN BARGAINING UNIT**

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

7 **(b) The list shall include, as appropriate, each early care and education**
8 **provider’s name, work location, job classification, and contact information.**

9 **As used in this section, “contact information” includes a provider’s home**
10 **address, personal e-mail address, and home and personal cellular telephone**
11 **numbers to the extent that the State is in possession of such information.**

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

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

17 * * * Effective Date * * *

18 **Sec. 20. EFFECTIVE DATE**

19 **This act shall take effect on January 1, 2021.**