

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 127 entitled “An act relating to the definition and rights of temporary
4 State employees” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 3 V.S.A. § 331 is amended to read:

9 § 331. TEMPORARY EMPLOYEES

10 * * *

11 (f)(1) An individual employed in a temporary or seasonal capacity shall be
12 entitled to the whistleblower protections, rights, and remedies provided to State
13 employees pursuant to sections 971-978 of this title.

14 (2) An individual employed in a temporary or seasonal capacity shall:

15 (A) Be paid in accordance with the job classification and pay plan for
16 classified State employees that is most closely applicable to the work
17 performed by the individual.

18 (B) Receive paid and unpaid leave, including sick and annual leave,
19 parental and family leave, holidays, and other leave benefits that are provided
20 to comparable classified State employees. Leave benefits provided pursuant to
21 this subdivision (2)(B) shall be provided on the same basis as and be subject to

1 the same eligibility requirements as they are for comparable classified State
2 employees.

3 (3) An individual employed in a temporary capacity shall not be
4 terminated without good cause. Termination at the conclusion of the
5 individual’s term of temporary employment shall be considered good cause for
6 termination.

7 (4) The State shall offer health insurance benefits to any individual who
8 has worked 1,040 hours in a temporary capacity during the previous 12
9 months. The benefits offered shall, at a minimum, satisfy the affordable
10 minimum essential coverage standards of the Affordable Care Act and permit
11 the individual to obtain coverage for the individual’s dependents.

12 Sec. 2. 3 V.S.A. § 902 is amended to read:

13 § 902. DEFINITIONS

14 As used in this chapter:

15 * * *

16 (5) “State employee” means any individual employed on a permanent or
17 limited status basis by the State of Vermont, the Vermont State Colleges, the
18 University of Vermont, or the State’s Attorneys’ offices, including permanent
19 part-time employees, and an individual whose work has ceased as a
20 consequence of, or in connection with, any current labor dispute or because of
21 any unfair labor practice, but excluding an individual:

1 (A) exempt or excluded from the State classified service under the
2 provisions of section 311 of this title, except that the following types of
3 employees are included within the meaning of “State employee”:

4 (i) State Police in the Department of Public Safety;

5 (ii) employees of the Defender General, excluding attorneys
6 employed directly by the Defender General and attorneys contracted to provide
7 legal services;

8 (iii) deputy State’s Attorneys;

9 (iv) individuals employed in temporary, seasonal, or intermittent
10 positions who work more than 1,280 hours per year in one or more such
11 positions for a period of two years, or who are designated as temporary
12 employees but whose employment does not comply with the requirements of
13 subsection 331(b) of this title; and

14 (v) employees of State’s Attorneys’ offices ~~are included within the~~
15 ~~meaning of “State employee”;~~

16 * * *

17 Sec. 3. 3 V.S.A. § 1011 is amended to read:

18 § 1011. DEFINITIONS

19 As used in this chapter:

20 * * *

1 (8) “Employee;” means any individual employed and compensated on a
2 permanent or limited status basis by the Judiciary Department, including
3 permanent part-time employees and any individual whose employment has
4 ceased as a consequence of, or in connection with, any current labor dispute or
5 because of an unfair labor practice. “Employee” does not include any of the
6 following:

7 * * *

8 (E) an individual employed on a temporary, contractual, seasonal, or
9 on-call basis, including an intern, provided that:

10 (i) the individual was hired to:

11 (I) temporarily replace an employee on vacation, medical leave,
12 or another leave of absence;

13 (II) accommodate peak or increased workloads; or

14 (III) replace or supplement permanent employees working on
15 special assignments or projects not normally included in the duties of
16 permanent employees; and

17 (ii) the individual has not worked more than 1,280 hours per year
18 in one or more such positions for a period of two years;

19 * * *

20 Sec. 4. EFFECTIVE DATE

21 This act shall take effect on July 1, 2020.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE

DRAFT