

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 * * * Representation and Bargaining Unit Determinations * * *

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

9 § 941. UNIT DETERMINATION, CERTIFICATION, AND

10 REPRESENTATION

11 * * *

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

14 ~~(1) By~~ by an employee or group of employees, or any individual or
15 employee organization purporting to act ~~in~~ on 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 the bargaining agent is no longer supported by at least 51 percent
20 of the employees in the bargaining unit, or that they are now included in an
21 approved bargaining unit and wish to form a separate bargaining unit under

1 Board criteria for purposes of collective bargaining. The employee, group of
2 employees, individual, or employee organization that files the petition, shall, at
3 the same time that the petition is filed with the Board, provide a copy of the
4 petition to the employer and, if appropriate, the current bargaining agent.

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 or raise any other unit determination issues with
8 the Board and provide a copy of the filing to the employee, group of
9 employees, individual, or employee organization that 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 employer challenges the
12 appropriateness of the proposed bargaining unit, provided that a hearing shall
13 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)(I) Within two business days after receiving a copy of the
19 petition, the employer shall file with the Board and the employee or group of
20 employees, or the individual or employee organization purporting to act on
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) In the event that unforeseen circumstances make it
4 impossible for the employer to provide the list within the time period set forth
5 in subdivision (I) of this subdivision (c)(2)(B)(i), the Board may extend the
6 time as needed to allow the employer to provide the list.

7 (ii) An employee or group of employees, or any person purporting
8 to act on their behalf, that is seeking to demonstrate that the current bargaining
9 agent is no longer supported by at least 51 percent of the employees in the
10 bargaining unit shall not be entitled to obtain a list of the employees in the
11 bargaining unit from the employer pursuant to this subdivision (c)(2)(B), but
12 may obtain a list pursuant to subdivision (e)(3) of this section after the Board
13 has investigated its petition and determined that a secret ballot election shall be
14 conducted.

15 (iii) The list shall be kept confidential and shall be exempt from
16 copying and inspection under the Public Records Act.

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

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

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

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

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

12 (B)(i) Once scheduled, the date of the hearing shall not be subject to
13 change except for good cause as determined by the Board. ~~Upon request, the~~
14 ~~results of the investigation shall be made available by the Board to the~~
15 ~~petitioners and all intervenors, if any, including the duly certified bargaining~~
16 ~~representative prior to giving notice of hearing. Written notice of the hearing~~
17 ~~shall be mailed by certified mail to the parties named in the petition not less~~
18 ~~than seven calendar days before the hearing.~~

19 (ii) The time for a hearing shall not be extended pursuant to
20 subdivision (d)(2)(A)(i) or (ii) of this section for more than an additional
21 30 calendar days.

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

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

13 (D) Hearing procedure and notification of ~~the~~ results of ~~same~~ the
14 hearing shall be in accordance with rules ~~prescribed~~ adopted by the Board, ~~or~~
15 except that the parties shall not be permitted to submit briefs to the Board after
16 the conclusion of the hearing unless the parties mutually agree to do so and the
17 Board consents.

18 (E) Except in instances when the parties mutually agree to address
19 whether certain employees should be included in or excluded from the
20 bargaining unit pursuant to subdivision (2)(C) of this subsection (d) or if the
21 parties mutually agree to submit posthearing briefs and the Board consents, the

1 Board shall issue its decision as soon as practicable and, in any event, not more
2 than five business days after the hearing.

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

5 ~~(e)(1)(A) Whenever, as a result on the basis of a petition and an appropriate~~
6 pursuant to subdivision (d)(1) of this section or a hearing pursuant to
7 subdivision (d)(2) of this section, the Board finds substantial interest among
8 employees in forming a bargaining unit or being represented for purposes of
9 collective bargaining, a secret ballot election shall be conducted by the Board
10 ~~to be taken in such manner as to show~~ not more than 21 business days after the
11 petition is filed with the Board except as otherwise provided pursuant to
12 subdivision (d)(2)(C) of this section.

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

14 (i) mutual agreement of the parties; or

15 (ii) the Board due to a lack of staff available to conduct the
16 election or other circumstances that make it impracticable for the Board to
17 conduct the election within 21 business days after the petition is filed.

18 (2)(A) The Board shall separate the ballot for any employee for whom a
19 question exists as to whether the employee should be included in or excluded
20 from the bargaining unit. The separated ballots shall only be counted by the
21 Board if it subsequently determines that those employees or positions are an

1 appropriate part of the bargaining unit and that those ballots may affect the
2 results of the election.

3 (B) The election shall be conducted so that it shows separately the
4 wishes of the employees in the voting group involved as to the determination
5 of the collective bargaining unit, including the right not to be organized. ~~In~~
6 ~~order for a~~ The collective bargaining unit to or collective bargaining
7 representative shall be recognized and certified by the Board, ~~there must be~~
8 upon a majority vote ~~cast by those~~ of the employees voting.

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

13 (3)(A)(i) Unless the employer and labor organization agree to a longer
14 period, the employer shall file with the Board; any labor organization that will
15 be named on the ballot; and, if appropriate, the employee or group of
16 employees, or the individual or employee organization acting on their behalf,
17 that is seeking to show that the bargaining agent is no longer supported by at
18 least 51 percent of the employees in the bargaining unit a list of the employees
19 in the bargaining unit within two business days after the Board determines that
20 a secret ballot election shall be conducted.

1 (ii) In the absence of a mutual agreement to extend the time
2 periods set forth in subdivision (i) of this subdivision (e)(3)(A), if unforeseen
3 circumstances make it impossible for the employer to provide the list within
4 the time period set forth in subdivision (i) of this subdivision (e)(3)(A), the
5 Board may extend the time as needed to allow the employer to provide the list.

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

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

13 (D) The list shall be:

14 (i) kept confidential by the Board and all of the parties; and

15 (ii) shall be exempt from copying and inspection under the Public
16 Records Act.

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

21 * * *

1 (g)(1) In determining the representation of State employees in a collective
2 bargaining unit, the Board shall conduct a secret ballot of the employees within
3 the time period set forth in subdivision (e)(1)(A) of this section, unless the time
4 to conduct the election is extended pursuant to subdivision (e)(1)(B) of this
5 section, and certify the results to the interested parties and to the State
6 employer. The original ballot shall be so prepared as to permit a vote against
7 representation by anyone named on the ballot. No representative will be
8 certified with less than a majority of the votes cast by employees in the
9 bargaining unit.

10 * * *

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

12 § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

13 (a)(1) An organization purporting to represent a majority of all of the
14 teachers or administrators employed by the school board may be recognized by
15 the school board without the necessity of a referendum upon the submission of
16 a petition bearing the valid signatures of a majority of the teachers or
17 administrators employed by that school board. Within 15 calendar days after
18 receiving the petition the school board shall notify the teachers or
19 administrators of the school district in writing of its intention to either require
20 or waive a secret ballot referendum. If the school board gives notice of its
21 intention to waive a referendum and recognize an organization, 10 percent of

1 the teachers or administrators employed by the school board may submit a
2 petition within 15 calendar days thereafter, objecting to the granting ~~or~~ of
3 recognition without a referendum, in which event a secret ballot referendum
4 shall be held in the district for the purpose of choosing an exclusive
5 representative ~~according to the guidelines for referendum contained in this~~
6 ~~legislation~~ as provided pursuant to the provisions of this section.

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

10 (ii) An organization or group of teachers or administrators, or any
11 person purporting to act on their behalf, that is seeking to demonstrate that the
12 current exclusive representative of the teachers or administrators is no longer
13 supported by a majority of the teachers or administrators employed by that
14 school board shall not be entitled to obtain a list of the employees in the
15 bargaining unit pursuant to this subdivision (a)(2).

16 (B) Unless the parties agree to a longer period, within two business
17 days after receiving the petition, the school board shall file with the
18 organization a list of the names and job titles of the teachers or administrators
19 in the proposed bargaining unit. To the extent possible, the list of employees
20 shall be in alphabetical order by last name and provided in electronic format.

21 * * *

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

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

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

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

16 (B) The list shall include, as appropriate, each teacher’s or
17 administrator’s name, work location, job classification, and contact
18 information. As used in this subdivision (2), “contact information” includes a
19 teacher’s or administrator’s home address, personal e-mail address, and home
20 and personal cellular telephone numbers to the extent that the school board is
21 in possession of such information.

1 51 percent of the employees now included in an approved bargaining unit wish
2 to form a separate bargaining unit under Board criteria for purposes of
3 collective bargaining. The employee, group of employees, individual, or
4 employee organization that files the petition shall, at the same time that the
5 petition is filed with the Board, provide a copy of the petition to the employer
6 and, if appropriate, the current bargaining agent.

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

11 ~~(2)~~(A)(i) An employer shall, not more than four business days after
12 receiving a copy of the petition, file any objections to the appropriateness of
13 the proposed bargaining unit or raise any other unit determination issues with
14 the Board and provide a copy of the filing to the employee, group of
15 employees, individual, or employee organization that filed the petition.

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

1 (iii) The Board may endeavor to informally mediate any dispute
2 regarding the appropriateness of the proposed bargaining unit prior to the
3 hearing.

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

10 (ii) The Board may extend the time to provide the list to four
11 business days if the employer shows that providing the list within the time
12 period set forth in subdivision (i) of this subdivision (a)(2)(B) would constitute
13 a demonstrable hardship. If unforeseen circumstances make it impossible for
14 the employer to provide the list within four business days, the Board may
15 provide an additional extension as needed to allow the employer to provide the
16 list.

17 (iii) An employee or group of employees, or any person
18 purporting to act on their behalf, that is seeking to demonstrate that the current
19 bargaining agent is no longer supported by at least 51 percent of the employees
20 in the bargaining unit shall not be entitled to obtain a list of the employees in
21 the bargaining unit from the employer pursuant to this subdivision (a)(2)(B),

1 but may obtain a list pursuant to subdivision (e)(3) of this section after the
2 Board has investigated its petition and determined that a secret ballot election
3 shall be conducted.

4 (iv) The list shall be kept confidential and shall be exempt from
5 copying and inspection under the Public Records Act.

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

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

10 ~~(1)(2)(A) if~~ If it finds reasonable cause to believe that a question of unit
11 determination or representation exists, an appropriate hearing shall be
12 scheduled before the Board upon due notice. Written notice of the hearing
13 shall be mailed by certified mail to the parties named in the petition not less
14 than 14 calendar days before the hearing; the Board shall schedule a hearing to
15 be held before the Board not more than eight business days after the petition
16 was filed with the Board unless:

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

19 (ii) the Board determines that the time for the hearing must be
20 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 ~~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 business 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 business days after the petition is filed.

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

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

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

1 (3)(A)(i) Unless the employer and labor organization agree to a longer
2 period, or the Board orders a longer period pursuant to subdivision (ii) of this
3 subdivision (e)(3)(A), the employer shall file with the Board; any labor
4 organization that will be named on the ballot; and, if appropriate, the employee
5 or group of employees, or the individual or employee organization acting on
6 their behalf, that is seeking to show that the bargaining agent is no longer
7 supported by at least 51 percent of the employees in the bargaining unit a list
8 of the employees in the bargaining unit within two business days after the
9 Board determines that a secret ballot election shall be conducted.

10 (ii) In the absence of a mutual agreement to extend the time
11 periods set forth in subdivision (i) of this subdivision (e)(3)(A), the Board may
12 extend the time to provide the list to four business days if the employer shows
13 that providing the list within the time period set forth in subdivision (i) of this
14 subdivision (e)(3)(A) would constitute a demonstrable hardship. If unforeseen
15 circumstances make it impossible for the employer to provide the list within
16 four business days, the Board may provide an additional extension as needed to
17 allow the employer to provide the list.

18 (B) The list shall include, as appropriate, each employee’s name,
19 work location, shift, job classification, and contact information. As used in
20 this subdivision (3), “contact information” includes an employee’s home

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

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

5 (D) The list shall be:

6 (i) kept confidential by the Board and all of the parties; and

7 (ii) shall be exempt from copying and inspection under the Public
8 Records Act.

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

13 * * *

14 * * * Automatic Membership Dues Deduction * * *

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

16 § 903. 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, not 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. 5. 3 V.S.A. § 1012 is amended to read:

8 § 1012. EMPLOYEES’ RIGHTS AND DUTIES; PROHIBITED ACTS

9 * * *

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

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

21 § 1982. RIGHTS

* * *

1
2 (f) A teacher or administrator who is a member of the teachers' or
3 administrators' organization shall have the right to automatic membership dues
4 deductions. Upon receipt of a signed authorization to commence automatic
5 membership dues deductions from a teacher or administrator, the school board
6 shall, as soon as practicable and in any event, not later than 30 calendar days
7 after receiving the authorization, commence withholding from the teacher's or
8 administrator's wages the amount of membership dues certified by the
9 teachers' or administrators' organization. The school board shall transmit the
10 amount withheld to the teachers' or administrators' organization on the same
11 day as the teacher or administrator is paid. Nothing in this subsection shall be
12 construed to require a member of a teachers' or administrators' organization to
13 participate in automatic dues deduction.

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

15 § 1645. AUTOMATIC MEMBERSHIP DUES DEDUCTION

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

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

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

7 § 1737. AUTOMATIC MEMBERSHIP DUES DEDUCTION

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

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

19 § 3618. AUTOMATIC MEMBERSHIP DUES DEDUCTION

20 Early care and education providers who are members of the labor
21 organization shall have the right to automatic membership dues deductions.

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

10 * * * Access to Employees in Bargaining Unit * * *

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

12 § 909. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

20 (2) If the meeting is not held during the new employee's orientation, it
21 shall be held during the new employee's regular work hours and at his or her

1 regular worksite or a location mutually agreed to by the employer and the
2 employee organization.

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

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

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

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

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

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

2 § 1022. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

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

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

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

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

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

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

1 numbers, and date of hire to the extent that the employer is in possession of
2 such information.

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

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

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

11 § 1984. ACCESS TO NEW TEACHERS OR ADMINISTRATORS IN
12 BARGAINING UNIT

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

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

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

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

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

9 (c)(1) Within 10 calendar days after hiring a new teacher or administrator,
10 the school board shall provide the teacher’s or administrator’s organization, as
11 appropriate, with his or her name, job title, worksite location, work telephone
12 number and e-mail address, home address, personal e-mail address, home and
13 personal cellular telephone numbers, and date of hire to the extent that the
14 school board is in possession of such information.

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

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

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

5 § 1738. 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 to the extent that the employer is in possession of
6 such information.

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

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

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

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

16 § 910. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

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

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

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

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

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

12 § 1023. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

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

17 (b) The list shall include, as appropriate, each employee’s name, work
18 location, job classification, and contact information. As used in this section,
19 “contact information” includes an employee’s home address, personal e-mail
20 address, and home and personal cellular telephone numbers to the extent that
21 the employer is in possession of such 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 employer and the employee
4 organization and shall be exempt from copying and inspection under the Public
5 Records Act.

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

7 § 1985. ANNUAL LIST OF TEACHERS OR ADMINISTRATORS IN
8 BARGAINING UNIT

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

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

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

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

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

5 § 1739. ANNUAL LIST OF EMPLOYEES IN BARGAINING UNIT

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

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

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

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

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

21 § 1646. ANNUAL LIST OF INDEPENDENT DIRECT SUPPORT

1 PROVIDERS IN BARGAINING UNIT

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

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

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

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

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

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

21 § 3619. ANNUAL LIST OF EARLY CARE AND EDUCATION

1

2

3 (Committee vote: _____)

4

5

Senator _____

6

FOR THE COMMITTEE