

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 on 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 the bargaining agent is no longer supported by at least 51 percent  
17 of 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)(A)(i) An employer shall, not more than four business days after  
4 receiving a copy of the petition, file any objections to the appropriateness of  
5 the proposed bargaining unit with the Board and provide a copy of the filing to  
6 the employee, group of employees, individual, or employee organization that  
7 filed the petition.

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

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

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

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

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

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

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

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

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

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

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

12           (ii) The time for a hearing shall not be extended pursuant to  
13           subdivision (d)(2)(A)(i) or (ii) of this section for more than an additional  
14           30 calendar days.

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

18           (ii) Questions of whether one or more employees should be  
19           included in or excluded from the bargaining unit shall not be addressed without  
20           the mutual agreement of the parties; provided, however, that the Board shall  
21           note any employees or positions as to whom a question exists so that those

1 ballots may be separated from those of the other employees during the election.  
2 If the parties mutually agree to address whether certain employees should be  
3 included in or excluded from the bargaining unit, the date of the election shall  
4 be not more than 15 calendar days after the Board issues its decision on those  
5 questions.

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

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

17 ~~(2)(3) dismiss the petition, based upon the~~ If the Board finds an absence  
18 of substantive evidence, it shall dismiss the petition.

19 (e)(1)(A) ~~Whenever, as a result on the basis of a petition and an appropriate~~  
20 pursuant to subdivision (d)(1) of this section or a hearing pursuant to  
21 subdivision (d)(2) of this section, the Board finds substantial interest among

1 employees in forming a bargaining unit or being represented for purposes of  
2 collective bargaining, a secret ballot election shall be conducted by the Board  
3 ~~to be taken in such manner as to show~~ not more than 21 calendar days after the  
4 petition is filed with the Board except as otherwise provided pursuant to  
5 subdivision (2)(C) of subsection (d).

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

7 (i) mutual agreement of the parties; or

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

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

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

19 (B) The election shall be conducted so that it shows separately the  
20 wishes of the employees in the voting group involved as to the determination  
21 of the collective bargaining unit, including the right not to be organized. ~~It~~

1 ~~order for a~~ The collective bargaining unit to or collective bargaining  
2 representative shall be recognized and certified by the Board, ~~there must be~~  
3 upon a majority vote east by those of the employees voting.

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

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

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

17 (ii) If the parties subsequently stipulate to a different composition  
18 of the bargaining unit, the employer shall file with the Board and the other  
19 parties an amended list of the employees in the bargaining unit within two  
20 business days after the parties enter into the stipulation.





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

5 \* \* \*

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

7 § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

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

1 representative ~~according to the guidelines for referendum contained in this~~  
2 ~~legislation~~ as provided pursuant to the provisions of this section.

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

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

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

17 \* \* \*

18 (c)(1)(A) A secret ballot referendum shall be held ~~any time that~~ not more  
19 than 21 calendar days after 20 percent of the teachers or administrators  
20 employed by the school board present a petition requesting a referendum on

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

5 ~~(1)(2)(A) if~~ If it finds reasonable cause to believe that a question of unit  
6 determination or representation exists, an appropriate hearing shall be  
7 scheduled before the Board upon due notice. Written notice of the hearing  
8 shall be mailed by certified mail to the parties named in the petition not less  
9 than 14 calendar days before the hearing; the Board shall schedule a hearing to  
10 be held before the Board not more than eight calendar days after the petition  
11 was filed with the Board unless:

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

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

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

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

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

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

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





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

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

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

19          (3)(A) Unless the employer; each party that will be named on the ballot;  
20          and, if applicable, the employee or group of employees, or the person acting on  
21          their behalf, that is seeking to demonstrate that the current bargaining agent is

1 no longer supported by at least 51 percent of the employees in the bargaining  
2 unit agree to a longer period:

3 (i) The employer shall file with the Board; each party that will be  
4 named on the ballot; and, if applicable; the employee or group of employees,  
5 or the person acting on their behalf, that is seeking to demonstrate that the  
6 current bargaining agent is no longer supported by at least 51 percent of the  
7 employees in the bargaining unit a list of the employees in the bargaining unit  
8 within two business days after the Board determines that a secret ballot  
9 election shall be conducted.

10 (ii) If the parties subsequently stipulate to a different composition  
11 of the bargaining unit, the employer shall file with the Board and all other  
12 parties an amended list of the employees in the bargaining unit within two  
13 business days after the parties enter into the 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:**

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

8 **(ii) 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.**