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H.964

Introduced by Committee on Government Operations

Date:

Subject: Executive, Judicial, and Legislative Branches; State officers and
employees; compensation increases; funding

Statement of purpose of bill as introduced: This bill proposes to:

(1) fully fund the collective bargaining agreements applicable to State
employees in the Executive and Judicial Branches in Fiscal Years 2021 and
2022;

(2) authorize compensation increases for exempt employees in the
Executive Branch in Fiscal Year 2022 consistent with the Fiscal Year 2022
collective bargaining agreement increases;

(3) adjust the compensation for certain statutory State and county
officers in Fiscal Year 2022 consistent with the Fiscal Year 2022 collective
bargaining agreement increases;

(4) amend the legislative pay statutes so that, beginning in Fiscal Year
2022, legislative compensation is adjusted consistent with the compensation
increases provided to other constitutional officers; and

(5) provide appropriations to fund compensation increases in the
Executive, Judicial, and Legislative Branches.

1 An act relating to compensation for certain State employees (Pay Act)

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 * * * Collective Bargaining Agreements; Fiscal Years 2021 and 2022 * * *

4 Sec. 1. COLLECTIVE BARGAINING AGREEMENTS; FISCAL YEARS
5 2021 AND 2022

6 This act fully funds the collective bargaining agreements between the State
7 and the Vermont State Employees' Association and the State and the Vermont
8 Troopers' Association for the periods of July 1, 2020 through June 30, 2022.

9 These collective bargaining agreements provide:

10 (1) In Fiscal Year 2021, an average 1.9 percent step increase and
11 \$1,400.00 one-time payment to individuals employed as of July 1, 2020.

12 (2) In Fiscal Year 2022, an average 1.9 percent step increase and
13 2.25 percent across-the-board increase for a total of 4.15 percent increase.

14 * * * Other Compensation Increases in Fiscal Year 2022 * * *

15 Sec. 2. POTENTIAL REDUCTION OR ELIMINATION OF OTHER
16 COMPENSATION INCREASES IN FISCAL YEAR 2022

17 The General Assembly may amend the provisions of this act in subsequent
18 legislation in order to reduce or eliminate the compensation increases this act
19 would provide in Fiscal Year 2022 to employees exempt from the classified
20 service who are not covered by a collective bargaining agreement and to

1 officers for whom compensation is provided in statute if necessary to address
2 the fiscal needs of the State in response to COVID-19.

3 * * * Executive Branch; Exempt Employees; Fiscal Year 2022 * * *

4 Sec. 3. EXECUTIVE BRANCH; EXEMPT EMPLOYEES; PERMITTED
5 SALARY INCREASES; FISCAL YEAR 2022

6 (a) Exempt employees in the Executive Branch may receive salary
7 increases not to exceed 4.15 percent in Fiscal Year 2022 beginning on July 4,
8 2021.

9 (b) The permitted increases set forth in subsection (a) of this section are
10 consistent with the collective bargaining agreement between the State and the
11 Vermont State Employees' Association for classified employees in the
12 Executive Branch for Fiscal Year 2022.

13 Sec. 4. EXECUTIVE BRANCH; EXEMPT AGENCY AND DEPARTMENT
14 HEADS, DEPUTIES, AND EXECUTIVE ASSISTANTS; ANNUAL
15 SALARY ADJUSTMENT AND SPECIAL SALARY INCREASE
16 OR BONUS

17 For purposes of determining annual salary adjustments, special salary
18 increases, and bonuses under 32 V.S.A. §§ 1003(b) and 1020(b), “the total rate
19 of adjustment available to classified employees under the collective bargaining
20 agreement” shall be, in Fiscal Year 2022, 4.15 percent.

1 Sec. 5. 32 V.S.A. § 1020 is amended to read:

2 § 1020. SALARY ADJUSTMENT; APPROVAL OF GOVERNOR

3 (a) Compensation to be paid any officer or employee within the Executive
4 Branch of State government shall be determined at the time the officer or
5 employee is hired by the Governor or such person as the Governor shall
6 designate, subject to any applicable statutory limits, other than:

7 (1) an employee in the classified service;

8 (2) a member of the uniformed State Police within the Department of
9 Public Safety; or

10 (3) an officer or employee whose compensation is specifically fixed by
11 statute, ~~shall be determined at the time the officer or employee is hired by the~~
12 ~~Governor or such person as the Governor shall designate subject to any~~
13 ~~applicable statutory limits.~~

14 (b)(1) Annually, subject to any applicable statutory salary limits, the
15 Governor may grant annual salary adjustments to exempt employees who are
16 deputies or executive assistants to department heads or are deputies or
17 executive assistants to agency secretaries. The annual salary adjustment
18 granted to any officer under this subsection shall not exceed the ~~average of the~~
19 total rate of adjustment available to classified employees under the collective
20 bargaining agreement then in effect.

1 (2) In addition to the annual salary adjustment specified in this
2 subsection, the Governor may grant a special salary increase or a bonus to any
3 such officer whose job duties have significantly increased, or whose
4 contributions to the State in the preceding year are deemed especially
5 significant. Special salary increases or bonuses granted to any individual shall
6 not exceed the ~~average of the~~ total rate of adjustment available to classified
7 employees under the collective bargaining agreement then in effect.

8 (c)(1) The Governor may establish one or more compensation plans for
9 other exempt employees ~~which that~~ provide for adjustments in salary based on
10 changes in the duties performed, seniority, or other objective factors ~~which that~~
11 the ~~governor~~ Governor finds to be appropriate.

12 (2) The Governor may extend to such employees any adjustments to
13 compensation not to exceed those available to classified employees provided
14 under the collective bargaining agreement then in effect.

15 * * * Executive Branch; Miscellaneous Statutory Salaries;

16 Fiscal Year 2022 * * *

17 Sec. 6. 32 V.S.A. § 1003 is amended to read:

18 § 1003. STATE OFFICERS

19 (a) Each elective officer of the Executive Department is entitled to an
20 annual salary as follows:

	Annual	Annual	<u>Annual</u>	
	Salary	Salary	<u>Salary</u>	
	as of	as of	<u>as of</u>	
	July 7,	January 5,	<u>July 4,</u>	
	2019	2020	<u>2021</u>	
6	Governor	\$181,661	\$184,113	<u>\$191,754</u>
7	Lieutenant Governor	77,112	78,153	<u>81,396</u>
8	Secretary of State	115,190	116,745	<u>121,590</u>
9	State Treasurer	115,190	116,745	<u>121,590</u>
10	Auditor of Accounts	115,190	116,745	<u>121,590</u>
11	Attorney General	137,898	139,790	<u>145,591</u>

12 (b) The Governor may appoint each officer of the Executive Branch listed
13 in this subsection at a starting salary ranging from the base salary stated for
14 that position to a salary that does not exceed the maximum salary unless
15 otherwise authorized by this subsection. The maximum salary for each
16 appointive officer shall be 50 percent above the base salary. Annually, the
17 Governor may grant to each of those officers an annual salary adjustment
18 subject to the maximum salary. The annual salary adjustment granted to
19 officers under this subsection shall not exceed the ~~average of the~~ total rate of
20 adjustment available to classified employees under the collective bargaining
21 agreement then in effect. In addition to the annual salary adjustment specified

1 in this subsection, the Governor may grant a special salary increase subject to
2 the maximum salary, or a bonus, to any officer listed in this subsection whose
3 job duties have significantly increased, or whose contributions to the State in
4 the preceding year are deemed especially significant. Special salary increases
5 or bonuses granted to any individual shall not exceed the ~~average of the~~ total
6 rate of adjustment available to classified employees under the collective
7 bargaining agreement then in effect.

8 (1) Heads of the following Departments and Agencies:

	Base	Base	<u>Base</u>
	Salary	Salary	<u>Salary</u>
	as of	as of	<u>as of</u>
	July 7,	January 5,	<u>July 4,</u>
	2019	2020	<u>2021</u>
14 (A) Administration	\$109,849	\$111,332	<u>\$115,952</u>
15 (B) Agriculture, Food and			
16 Markets	109,849	111,332	<u>115,952</u>
17 (C) Financial Regulation	102,693	104,079	<u>108,398</u>
18 (D) Buildings and General Services	102,693	104,079	<u>108,398</u>
19 (E) Children and Families	102,693	104,079	<u>108,398</u>
20 (F) Commerce and Community			
21 Development	109,849	111,332	<u>115,952</u>

1	(G) Corrections	102,693	104,079	<u>108,398</u>
2	(H) Defender General	102,693	104,079	<u>108,398</u>
3	(I) Disabilities, Aging, and	102,693	104,079	<u>108,398</u>
4	Independent Living			
5	(J) Economic Development	93,155	94,413	<u>98,331</u>
6	(K) Education	109,849	111,332	<u>115,952</u>
7	(L) Environmental Conservation	102,693	104,079	<u>108,398</u>
8	(M) Finance and Management	102,693	104,079	<u>108,398</u>
9	(N) Fish and Wildlife	93,155	94,413	<u>98,331</u>
10	(O) Forests, Parks and Recreation	93,155	94,413	<u>98,331</u>
11	(P) Health	102,693	104,079	<u>108,398</u>
12	(Q) Housing and Community	93,155	94,413	<u>98,331</u>
13	Development			
14	(R) Human Resources	102,693	104,079	<u>108,398</u>
15	(S) Human Services	109,849	111,332	<u>115,952</u>
16	(T) Digital Services	109,849	111,332	<u>115,952</u>
17	(U) Labor	102,693	104,079	<u>108,398</u>
18	(V) Libraries	93,155	94,413	<u>98,331</u>
19	(W) Liquor and Lottery	93,155	94,413	<u>98,331</u>
20	(X) [Repealed.]			
21	(Y) Mental Health	102,693	104,079	<u>108,398</u>

1	(Z) Military	102,693	104,079	<u>108,398</u>
2	(AA) Motor Vehicles	93,155	94,413	<u>98,331</u>
3	(BB) Natural Resources	109,849	111,332	<u>115,952</u>
4	(CC) Natural Resources Board			
5	Chair	93,155	94,413	<u>98,331</u>
6	(DD) Public Safety	102,693	104,079	<u>108,398</u>
7	(EE) Public Service	102,693	104,079	<u>108,398</u>
8	(FF) Taxes	102,693	104,079	<u>108,398</u>
9	(GG) Tourism and Marketing	93,155	94,413	<u>98,331</u>
10	(HH) Transportation	109,849	111,332	<u>115,952</u>
11	(II) Vermont Health Access	102,693	104,079	<u>108,398</u>
12	(JJ) Veterans' Home	102,693	104,079	<u>108,398</u>

13 (2) The Secretary of Administration may include the Director of the
14 Office of Professional Regulation in any pay plans that may be established
15 under the authority of subsection 1020(c) of this title, provided the minimum
16 hiring rate does not fall below a base salary, as of ~~July 7, 2019 of \$78,975.00~~
17 ~~and as of January 5, 2020 of \$80,041.00~~ and as of July 4, 2021 of \$83,363.00.

18 (3) If the Chair of the Natural Resources Board is employed on less than
19 a full-time basis, the hiring and salary maximums for that position shall be
20 reduced proportionately.

1	(2) Each Associate Justice	66,868	169,121	<u>176,140</u>
2	(3) Administrative judge <u>Judge</u>	166,868	169,121	<u>176,140</u>
3	(4) Each Superior judge	158,635	160,777	<u>167,449</u>
4	(5) [Repealed.]			
5	(6) Each magistrate	119,609	121,224	<u>126,255</u>
6	(7) Each Judicial Bureau hearing	119,609	121,224	<u>126,255</u>
7	officer			

8 Sec. 8. 32 V.S.A. § 1141 is amended to read:

9 § 1141. ASSISTANT JUDGES

10 (a)(1) Each assistant judge of the Superior Court shall be entitled to receive
11 compensation in the amount of ~~\$183.38 a day as of July 7, 2019~~ and \$185.86 a
12 day as of January 5, 2020 and \$193.57 a day as of July 4, 2021 for time spent
13 in the performance of official duties and necessary expenses as allowed to
14 classified State employees. Compensation under this section shall be based on
15 a two-hour minimum and hourly thereafter.

16 (2)(A) The compensation paid to an assistant judge pursuant to this
17 section shall be paid by the State except as provided in subdivision (B) of this
18 subdivision (2).

19 (B) The compensation paid to an assistant judge pursuant to this
20 section shall be paid by the county at the State rate established in

1 subdivision (a)(1) of this section when an assistant judge is sitting with a
2 presiding Superior judge in the Civil or Family Division of the Superior Court.

3 (b) Assistant judges of the Superior Court shall be entitled to receive pay
4 for such days as they attend court when it is in actual session, or during a court
5 recess when engaged in the special performance of official duties.

6 Sec. 9. 32 V.S.A. § 1142 is amended to read:

7 § 1142. PROBATE JUDGES

8 (a) The Probate judges in the several Probate Districts shall be entitled to
9 receive the following annual salaries, which shall be paid by the State in lieu of
10 all fees or other compensation:

	Annual Salary	Annual Salary	<u>Annual Salary</u>
	as of	as of	<u>as of</u>
	July 7, 2019	January 5, 2020	<u>July 4, 2021</u>
14 (1) Addison	\$62,540	\$63,384	<u>\$66,014</u>
15 (2) Bennington	79,060	80,127	<u>83,452</u>
16 (3) Caledonia	55,461	56,210	<u>58,543</u>
17 (4) Chittenden	131,939	133,720	<u>139,269</u>
18 (5) Essex	15,494	15,703	<u>16,355</u>
19 (6) Franklin	62,540	63,384	<u>66,014</u>
20 (7) Grand Isle	15,494	15,703	<u>16,355</u>
21 (8) Lamoille	43,660	44,249	<u>46,085</u>

1	(9) Orange	51,919	52,620	<u>54,804</u>
2	(10) Orleans	50,740	51,425	<u>53,559</u>
3	(11) Rutland	112,100	113,613	<u>118,328</u>
4	(12) Washington	86,138	87,301	<u>90,924</u>
5	(13) Windham	69,620	70,560	<u>73,488</u>
6	(14) Windsor	94,400	95,674	<u>99,644</u>

7 (b) Probate judges shall be entitled to be paid by the State for their actual
8 and necessary expenses under the rules and regulations pertaining to classified
9 State employees. The compensation for the Probate judge of the Chittenden
10 District shall be for full-time service.

11 (c) All Probate judges, regardless of the number of hours worked annually,
12 shall be eligible to participate in all employee benefits that are available to
13 exempt employees of the Judicial Department.

14 * * * Sheriffs; Statutory Salaries; Fiscal Year 2022 * * *

15 Sec. 10. 32 V.S.A. § 1182 is amended to read:

16 § 1182. SHERIFFS

17 (a) The sheriffs of all counties except Chittenden shall be entitled to receive
18 salaries in the amount of ~~\$84,969.00 as of July 7, 2019~~ and \$86,116.00 as of
19 January 5, 2020 and \$89,690.00 as of July 4, 2021. The Sheriff of Chittenden
20 County shall be entitled to an annual salary in the amount of ~~\$89,919.00 as of~~

1 ~~July 7, 2019~~ and \$91,133.00 as of January 5, 2020 and \$94,915.00 as of July 4,
2 2021.

3 (b) Compensation under subsection (a) of this section shall be reduced by
4 10 percent for any sheriff who has not obtained Level III law enforcement
5 officer certification under 20 V.S.A. § 2358.

6 * * * State's Attorneys; Statutory Salaries; Fiscal Year 2022 * * *

7 Sec. 11. 32 V.S.A. § 1183 is amended to read:

8 § 1183. STATE'S ATTORNEYS

9 (a) The State's Attorneys shall be entitled to receive annual salaries as
10 follows:

	Annual	Annual	<u>Annual</u>
	Salary	Salary	<u>Salary</u>
	as of	as of	<u>as of</u>
	July 7,	January 5,	<u>July 4,</u>
	2019	2020	<u>2021</u>
16 (1) Addison County	\$114,934	\$116,486	<u>\$121,320</u>
17 (2) Bennington County	\$114,934	\$116,486	<u>\$121,320</u>
18 (3) Caledonia County	\$114,934	\$116,486	<u>\$121,320</u>
19 (4) Chittenden County	\$120,160	\$121,782	<u>\$126,836</u>
20 (5) Essex County	\$86,202	\$87,366	<u>\$90,992</u>
21 (6) Franklin County	\$114,934	\$116,486	<u>\$121,320</u>

1	(7) Grand Isle County	\$86,202	\$87,366	<u>\$90,992</u>
2	(8) Lamoille County	\$114,934	\$116,486	<u>\$121,320</u>
3	(9) Orange County	\$114,934	\$116,486	<u>\$121,320</u>
4	(10) Orleans County	\$114,934	\$116,486	<u>\$121,320</u>
5	(11) Rutland County	\$114,934	\$116,486	<u>\$121,320</u>
6	(12) Washington County	\$114,934	\$116,486	<u>\$121,320</u>
7	(13) Windham County	\$114,934	\$116,486	<u>\$121,320</u>
8	(14) Windsor County	\$114,934	\$116,486	<u>\$121,320</u>

9 * * *

10 * * * Legislators; Statutory Salaries; Fiscal Year 2022 * * *

11 Sec. 12. 32 V.S.A. § 1051 is amended to read:

12 § 1051. SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE
13 OF THE SENATE; COMPENSATION AND EXPENSE
14 REIMBURSEMENT

15 (a) The Speaker of the House and the President Pro Tempore of the Senate
16 shall be entitled to receive annual compensation of ~~\$10,080.00~~ \$12,715.00 for
17 the ~~2005~~ 2021 Biennial Session and thereafter, to be paid in biweekly
18 payments; provided that, beginning on ~~January 1, 2007~~ July 1, 2021 and
19 annually thereafter on January 1, the annual compensation shall be adjusted
20 ~~annually thereafter by consistent with the cost of living adjustment negotiated~~
21 ~~for State employees under the most recent collective bargaining agreement~~

1 compensation increases provided to other constitutional officers. In addition to
2 the annual compensation, the Speaker and President Pro Tempore shall be
3 entitled to receive:

4 (1) ~~\$652.00~~ \$823.00 a week for the ~~2005~~ 2021 Biennial Session and
5 thereafter, to be paid in biweekly payments during the regular and adjourned
6 sessions of the General Assembly; provided that, beginning on ~~January 1,~~
7 2007 July 1, 2021 and annually thereafter on January 1, the weekly
8 compensation shall be adjusted ~~annually thereafter by~~ consistent with the ~~cost~~
9 ~~of living adjustment negotiated for State employees under the most recent~~
10 ~~collective bargaining agreement~~ compensation increases provided to other
11 constitutional officers;

12 (2) an amount equal to one-fifth of the annually adjusted weekly
13 compensation set forth in subdivision (1) of this subsection, rounded up to the
14 nearest dollar, per day during a special session of the General Assembly; and

15 (3) mileage, meals, and lodging expenses as provided to members of the
16 General Assembly under subsection 1052(b) of this title during the biennial,
17 adjourned, and special sessions of the General Assembly and in addition such
18 other actual and necessary expenses incurred while engaged in duties imposed
19 by law.

20 * * *

1 Sec. 13. 32 V.S.A. § 1052 is amended to read:

2 § 1052. MEMBERS OF THE GENERAL ASSEMBLY; COMPENSATION
3 AND EXPENSE REIMBURSEMENT

4 (a)(1) Each member of the General Assembly, other than the Speaker of the
5 House and the President Pro Tempore of the Senate, is entitled to a weekly
6 salary of ~~\$589.00~~ \$743.00 for the ~~2005~~ 2021 Biennial Session and thereafter,
7 provided that, beginning on ~~January 1, 2007~~ July 1, 2021 and annually
8 thereafter on January 1, the weekly compensation shall be adjusted ~~annually~~
9 ~~thereafter by consistent with the cost of living adjustment negotiated for State~~
10 ~~employees under the most recent collective bargaining agreement~~
11 compensation increases provided to other constitutional officers. The salary of
12 members shall be paid in biweekly installments.

13 (2) During a special session, a member is entitled to an amount equal to
14 one-fifth of the annually adjusted weekly compensation set forth in subdivision
15 (1) of this subsection, rounded up to the nearest dollar, for each day of a
16 special session on which the House of which he or she is a member shall sit.

17 * * *

18 * * * Appropriations * * *

19 Sec. 14. PAY ACT APPROPRIATIONS

20 (a) Executive Branch. The two-year agreements between the State of
21 Vermont and the Vermont State Employees' Association for the Defender

1 General, Non-Management, Supervisory, and Corrections bargaining units,
2 and, for the purpose of appropriation, the State's Attorneys' offices bargaining
3 unit, for the period of July 1, 2020 through June 30, 2022; the collective
4 bargaining agreement with the Vermont Troopers' Association for the period
5 of July 1, 2020 through June 30, 2022; and salary increases for employees in
6 the Executive Branch not covered by the bargaining agreements shall be
7 funded as follows:

8 (1) Fiscal Year 2021.

9 (A) General Fund. The amount of \$11,234,950.00 is appropriated
10 from the General Fund to the Secretary of Administration for distribution to
11 departments to fund the fiscal year 2021 collective bargaining agreements and
12 the requirements of this act.

13 (B) Transportation Fund. The amount of \$3,868,451.00 is
14 appropriated from the Transportation Fund to the Secretary of Administration
15 for distribution to the Agency of Transportation and the Department of Public
16 Safety to fund the fiscal year 2021 collective bargaining agreements and the
17 requirements of this act.

18 (C) Other funds. The Administration shall provide additional
19 spending authority to departments through the existing process of excess
20 receipts to fund the fiscal year 2021 collective bargaining agreements and the

1 requirements of this act. The estimated amounts are \$14,017,000.00 from
2 special fund, federal, and other sources.

3 (D) Transfers. With due regard to the possible availability of other
4 funds, for fiscal year 2021, the Secretary of Administration may transfer from
5 the various appropriations and various funds and from the receipts of the
6 Liquor Control Board such sums as the Secretary may determine to be
7 necessary to carry out the purposes of this act to the various agencies supported
8 by State funds.

9 (2) Fiscal Year 2022.

10 (A) General Fund. The amount of \$13,686,924.00 is appropriated
11 from the General Fund to the Secretary of Administration for distribution to
12 departments to fund the fiscal year 2022 collective bargaining agreements and
13 the requirements of this act.

14 (B) Transportation Fund. The amount of \$4,764,116.00 is
15 appropriated from the Transportation Fund to the Secretary of Administration
16 for distribution to the Agency of Transportation and the Department of Public
17 Safety to fund the fiscal year 2022 collective bargaining agreements and the
18 requirements of this act.

19 (C) Other funds. The Administration shall provide additional
20 spending authority to departments through the existing process of excess
21 receipts to fund the fiscal year 2022 collective bargaining agreements and the

1 requirements of this act. The estimated amounts are \$15,870,170.00 from
2 special fund, federal, and other sources.

3 (D) Transfers. With due regard to the possible availability of other
4 funds, for fiscal year 2022, the Secretary of Administration may transfer from
5 the various appropriations and various funds and from the receipts of the
6 Liquor Control Board such sums as the Secretary may determine to be
7 necessary to carry out the purposes of this act to the various agencies supported
8 by State funds.

9 (3) This section shall include sufficient funding to ensure administration
10 of exempt pay plans authorized by 32 V.S.A. § 1020(c).

11 (b) Judicial Branch.

12 (1) The Chief Justice of the Vermont Supreme Court may extend the
13 provisions of the Judiciary's collective bargaining agreement to Judiciary
14 employees who are not covered by the bargaining agreement.

15 (2) The two-year agreements between the State of Vermont and the
16 Vermont State Employees' Association for the judicial bargaining unit for the
17 period of July 1, 2020 through June 30, 2022 and salary increases for
18 employees in the Judicial Branch not covered by the bargaining agreements
19 shall be funded as follows:

