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Introduced by Representatives Townsend of South Burlington, Anthony of Barre City, Bos-Lun of Westminster, Cina of Burlington, Colston of Winooski, Elder of Starksboro, Killackey of South Burlington, Mulvaney-Stanak of Burlington, Satcowitz of Randolph, Till of Jericho, and Vyhovsky of Essex

Referred to Committee on

Date:

Subject: Education; collective bargaining; Commission on Public School

Employee Health Benefits

Statement of purpose of bill as introduced: This bill proposes to make various changes to the process for statewide collective bargaining for public school employee health benefits.

An act relating to statewide public school employee health benefits

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

Sec. 1. 16 V.S.A. § 2101 is amended to read:

§ 2101. DEFINITIONS

As used in this chapter:

1 (1) “Participating employee” means a school employee who is eligible
2 for and has elected to receive health benefit coverage through a school
3 employer.

4 (2) “School employee” ~~means:~~

5 (A) includes the following individuals:

6 ~~(A)(i)~~ an individual employed by a ~~supervisory union or school~~
7 ~~district employer~~ as a teacher or administrator as defined in section 1981 of
8 this title; ~~or~~

9 ~~(B)(ii)~~ a municipal school employee as defined in 21 V.S.A. § 1722;

10 (iii) an individual employed as a supervisor as defined in
11 21 V.S.A. § 1502;

12 (iv) a confidential employee as defined in 21 V.S.A. § 1722;

13 (v) a certified employee of a school employer; and

14 (vi) any other permanent employee of a school employer not
15 covered by subdivisions (i)–(v) of this subdivision (2); and

16 (B) notwithstanding subdivision (A) of this subdivision (2), excludes
17 individuals who serve in the role of superintendent.

18 (3) “School employer” means a supervisory union or school district as
19 those terms are defined in section 11 of this title.

1 Sec. 2. 16 V.S.A. § 2102 is amended to read:

2 § 2102. COMMISSION ON PUBLIC SCHOOL EMPLOYEE HEALTH

3 BENEFITS CREATED

4 * * *

5 (b) Composition and appointment.

6 (1) The Commission shall have 10 members, of whom five shall be
7 representatives of school employees and five shall be representatives of school
8 employers.

9 (2)(A) The representatives of school employees shall be appointed as
10 follows:

11 (i) four members appointed by the labor organization representing
12 the greatest number of ~~teachers, administrators, and municipal~~ school
13 employees in this State; and

14 (ii) one member appointed by the labor organization representing
15 the second-greatest number of ~~teachers, administrators, and municipal~~ school
16 employees in this State.

17 * * *

18 (d) Removal of Commission members. Members of the Commission may
19 be removed by the Commission only for cause and may be removed by the
20 appointing authority of the member without cause. The Commission shall

1 adopt rules pursuant to 3 V.S.A. chapter 25 to define the basis and process for
2 removal.

3 * * *

4 (f) Compensation. Commission members shall be entitled to receive per
5 diem compensation and reimbursement of expenses ~~pursuant to~~ as permitted
6 under 32 V.S.A. § 1010 for not more than 10 meetings per year.

7 (g) Release time. A school district that employs a member of the
8 Commission, or an alternate member of the Commission under subsection (j)
9 of this section, who represents school employees or school employers shall
10 grant the Commission member time off as necessary for the member to attend
11 meetings of the Commission.

12 (h) Staffing and expenses. The Commission may hire staff as it deems
13 necessary to carry out its duties under this chapter. Compensation for
14 Commission staff and administrative expenses of the Commission shall be
15 shared equally by school employers and school employees. The
16 representatives of school employers and the representatives of school
17 employees shall equitably apportion their share of the costs of compensation
18 and administrative expenses among their members.

19 ~~(h)~~(i) Rulemaking. The Commission may adopt rules or procedures, or
20 both, pursuant to 3 V.S.A. chapter 25 as needed to carry out its duties under
21 this chapter.

1 (j) Alternate members. Four alternate members may be appointed to the
2 Commission who, if appointed, shall be entitled to attend all negotiating
3 sessions of the Commission. Up to two alternate members may be appointed
4 by representatives of school employees and up to two alternate members may
5 be appointed by representatives of school employers. The term of each
6 alternate member, if appointed, shall be six years. In the event of a vacancy,
7 the appointing authority of the alternate member whose seat becomes vacant
8 shall appoint a successor to serve out the remainder of the alternate member's
9 term. Alternate members may be removed by the Commission only for cause
10 and may be removed by the appointing authority of the alternate member
11 without cause.

12 (k) Funding. The Commission shall request the Governor to include in the
13 Governor's annual budget a minimum of \$17,500.00 appropriated to the
14 Agency of Education for per diem compensation and reimbursement of
15 expenses for members of the Commission. Any unencumbered appropriation
16 shall revert to the General Fund in the year following the conclusion of an
17 agreement under subdivision 2104(b)(1) of this title.

18 Sec. 3. APPROPRIATION

19 The sum of \$17,500.00 is appropriated to the Agency of Education from the
20 General Fund for fiscal year 2022 for per diem compensation and
21 reimbursement of expenses for members of the Commission.

1 Sec. 4. 16 V.S.A. § 2103 is amended to read:

2 § 2103. DUTIES OF THE COMMISSION

3 (a) The Commission shall determine the percentage of the premium for
4 individual, two-person, parent-child, and family coverage under a health
5 benefit plan that shall be borne by each school employer and the percentage
6 that shall be borne by participating employees.

7 (1) The premium responsibility percentages shall remain in effect for the
8 entire plan year.

9 (2) Each school employer shall be responsible for paying, on behalf of
10 all of its participating ~~school~~ employees, the applicable percentages of
11 premium costs as determined by the Commission.

12 ~~(3) The premium responsibility percentages for each plan tier shall be~~
13 ~~the same for all participating employees.~~

14 (b)(1) The Commission shall determine the amount of ~~school~~ participating
15 employees' out-of-pocket expenses for which the school employer and the
16 ~~school~~ participating employees shall be responsible, and whether school
17 employers shall establish a health reimbursement arrangement, a health
18 savings account, both, or neither, for their participating employees.

19 * * *

1 ~~(3) The school employers' and school employees' responsibilities for~~
2 ~~out of pocket expenses for each plan tier shall be the same for all participating~~
3 ~~employees.~~

4 * * *

5 (d) The Commission shall not make any determinations regarding school
6 employer or ~~school~~ participating employee responsibilities with respect to
7 stand-alone vision or dental benefits.

8 (e) The Commission may negotiate a statewide grievance procedure for
9 disputes concerning public school employee health benefits.

10 Sec. 5. 16 V.S.A. § 2104 is amended to read:

11 § 2104. NEGOTIATION; TIME TO BEGIN; GOOD FAITH; WRITTEN

12 AGREEMENT

13 (a)(1) The Commission shall commence negotiation of the matters set forth
14 in subsections 2103(a) and (b) of this chapter not later than April 1 of the year
15 before the existing agreement pursuant to this section is set to expire. On or
16 before October 1 of the year prior to commencement of bargaining, the
17 Commission shall request from the parties any data and information that it
18 anticipates needing for the negotiation in a common format, and on or before
19 February 1 of the year of bargaining, the parties shall submit to the
20 Commission the information requested.

21 * * *

1 Sec. 6. 16 V.S.A. § 2105 is amended to read:

2 § 2105. DISPUTE RESOLUTION

3 * * *

4 (b)(1) If the Commission is unable to resolve all matters remaining in
5 dispute within 30 days after receiving the fact finder's report, the Commission
6 shall submit the matters remaining in dispute to the arbitrator or arbitrators
7 selected pursuant to section 2104 of this chapter for resolution.

8 (2) The representatives of school employees and the representatives of
9 school employers shall submit to the arbitrator or arbitrators their last best
10 offer on all issues remaining in dispute prior to the arbitration hearing. The
11 arbitrator or arbitrators shall select one of the last best offers without
12 amendment, submitted by the parties prior to the arbitration hearing in its
13 entirety ~~without amendment~~. The parties shall not be permitted to modify their
14 last best offers post hearing. Prior to the issuance of the arbitrator's decision,
15 nothing shall prohibit the parties from settling the matters in dispute.

16 (3)(A) The arbitrator or arbitrators shall hold a hearing on or before
17 November 15 at which the Commission members shall submit all relevant
18 evidence, documents, and written material, including a cost estimate for the
19 term of the proposal with a breakdown of costs borne by employers and costs
20 borne by employees, and each member may submit oral or written testimony in

1 support of his or her position on any undecided issue that is subject to
2 arbitration.

3 * * *

4 (4) The arbitrator or arbitrators shall issue their written decision within
5 30 days after the hearing, explaining in appropriate detail the rationale for
6 selecting the last best offer. The decision of the arbitrator or arbitrators shall
7 be final and binding upon the Commission and all school employees and
8 school employers. The decision shall not be subject to ratification.

9 * * *

10 Sec. 7. EFFECTIVE DATE

11 This act shall take effect on passage.