

1 H.346

2 Introduced by Representative Hooper of Montpelier

3 Referred to Committee on

4 Date:

5 Subject: Executive; classification of State personnel; new positions

6 Statement of purpose of bill as introduced: This bill proposes to eliminate the
7 cap on the number of positions in State government and permit the creation of
8 new positions when necessary to address a specifically identified need,
9 provided a new position is anticipated to be more cost effective than meeting
10 the need with existing resources and staff.

11 An act relating to the creation of new positions in State government

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

13 Sec. 1. 3 V.S.A. § 328 is added to read:

14 § 328. CREATION OF NEW POSITIONS

15 (a) Intent. It is the intent of the General Assembly to maximize the
16 resources of the State to the greatest benefit of Vermont taxpayers by
17 eliminating the cap on the total number of authorized positions in the State
18 agencies and departments under the authority of the Governor; in the Offices
19 of the Lieutenant Governor, the Treasurer, the Attorney General, the Secretary
20 of State, the State Auditor, and the Defender General; and in the Judiciary to

1 allow for more effective management of costs of overtime, compensatory time,
2 temporary employees, and contractual work by permitting the creation of new
3 positions pursuant to the provisions of subsection (b) of this section.

4 (b) Creation of positions.

5 (1) For the State agencies and departments under the authority of the
6 Governor, upon request of an appointing authority the Secretary of
7 Administration may approve, in writing, the creation of a new permanent
8 position in the appropriate department or agency in order to address a specific
9 need identified by the appointing authority.

10 (2) For the Offices of the Lieutenant Governor, the Treasurer, the
11 Attorney General, the Secretary of State, the State Auditor, and the Defender
12 General, the relevant office holder may approve, in writing, the creation of a
13 new permanent position to address a specifically identified need.

14 (3) For the Judiciary, the Court Administrator may approve, in writing,
15 the creation of a new permanent position to address a specifically identified
16 need.

17 (4)(A) The appropriate authority may only approve the creation of a new
18 position pursuant to subdivisions (1) through (3) of this subsection (b) if the
19 creation of the new position is anticipated to be more cost effective than
20 meeting the identified need with existing resources, including through the use
21 of overtime or compensatory time for existing State employees.

1 (B) Any new position created pursuant to this subsection (b) shall be
2 funded within existing appropriations and shall not be transferrable outside the
3 office, agency, or department in which it is created.

4 (c) Reporting requirements.

5 (1) Not later than 15 days before a position created pursuant to
6 subsection (b) of this section will be established, the authorizing authority shall
7 submit to the Joint Fiscal Committee, the Government Accountability
8 Committee, and the House and Senate Committees on Government Operations
9 a written report identifying the position to be created, the reason for the
10 creation of the position, the method used to evaluate the cost-effectiveness of
11 creating the position, and the expected short- and long-term impacts of creating
12 the position on the budget of the relevant agency, department, or office or on
13 the budget of the Judiciary.

14 (2) Annually, as part of its budget presentation, the Judiciary and any
15 office or State agency or department in which, during the prior fiscal year, one
16 or more new positions was created pursuant to this section shall report on the
17 number and type of positions created, the source of funds used to support each
18 position created, the performance and cost outcomes associated with each
19 position created, and whether the projected budgetary outcomes identified
20 pursuant to subdivision (1) of this subsection have been realized.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2021.