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H.358

Introduced by Representative Gannon of Wilmington

Referred to Committee on

Date:

Subject: Executive; classification of State personnel; State Employees Labor
Relations Act; Judiciary Employees Labor Relations Act; temporary
State employees

Statement of purpose of bill as introduced: This bill proposes to establish
certain rights for temporary State employees and to permit long-term
temporary State employees to collectively bargain.

An act relating to temporary State employees

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

Sec. 1. 3 V.S.A. § 331 is amended to read:

§ 331. TEMPORARY EMPLOYEES

* * *

(f)(1) An individual employed in a temporary or seasonal capacity shall:

(A) be entitled to the whistleblower protections, rights, and remedies

provided to State employees pursuant to sections 971–978 of this title;

1 consequence of, or in connection with, any current labor dispute or because of
2 any unfair labor practice, but excluding an individual:

3 (A) exempt or excluded from the State classified service under the
4 provisions of section 311 of this title, except that the following types of
5 employees are included within the meaning of “State employee”:

6 (i) State Police in the Department of Public Safety;

7 (ii) employees of the Defender General, excluding attorneys
8 employed directly by the Defender General and attorneys contracted to provide
9 legal services;

10 (iii) deputy State’s Attorneys;

11 (iv) individuals employed in temporary or intermittent positions
12 who work more than 1,280 hours per year in one or more such positions for a
13 period of two years, or who are designated as temporary employees but whose
14 employment does not comply with the requirements of subsection 331(b) of
15 this title; and

16 (v) employees of State’s Attorneys’ offices ~~are included within the~~
17 ~~meaning of “State employee”~~;

18 * * *

19 Sec. 3. 3 V.S.A. § 1011 is amended to read:

20 § 1011. DEFINITIONS

21 As used in this chapter:

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* * *

(8) “Employee,” means any individual employed and compensated on a permanent or limited status basis by the Judiciary Department, including permanent part-time employees and any individual whose employment has ceased as a consequence of, or in connection with, any current labor dispute or because of an unfair labor practice. “Employee” does not include any of the following:

* * *

(E) an individual employed on a temporary, contractual, seasonal, or on-call basis, including an intern, provided that:

(i) the individual was hired to:

(I) temporarily replace an employee on vacation, medical leave, or another leave of absence;

(II) accommodate peak or increased workloads; or

(III) replace or supplement permanent employees working on special assignments or projects not normally included in the duties of permanent employees; and

(ii) the individual has not worked more than 1,280 hours per year in one or more such positions for a period of two years;

* * *

Sec. 4. EFFECTIVE DATE

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