1	H.358
2	Introduced by Representative Gannon of Wilmington
3	Referred to Committee on
4	Date:
5	Subject: Executive; classification of State personnel; State Employees Labor
6	Relations Act; Judiciary Employees Labor Relations Act; temporary
7	State employees
8	Statement of purpose of bill as introduced: This bill proposes to establish
9	certain rights for temporary State employees and to permit long-term
10	temporary State employees to collectively bargain.
11	An act relating to temporary State employees
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	Sec. 1. 3 V.S.A. § 331 is amended to read:
14	§ 331. TEMPORARY EMPLOYEES
15	* * *
16	(f)(1) An individual employed in a temporary or seasonal capacity shall:
17	(A) be entitled to the whistleblower protections, rights, and remedies

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

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1	(B) be paid in accordance with the job classification and pay plan for
2	classified State employees that is most closely applicable to the work
3	performed by the individual; and
4	(C) receive paid and unpaid leave, including sick and annual leave,
5	parental and family leave, holidays, and other leave benefits provided to
6	comparable classified State employees.
7	(2) An individual employed in a temporary or seasonal capacity shall
8	not be terminated without good cause.
9	(3) The State shall provide an individual who has been employed in a
10	temporary capacity for a period of six months with health insurance benefits
11	that, at a minimum, satisfy the affordable minimum essential coverage
12	standards of the Affordable Care Act and provide coverage for the individual's
13	dependents.
14	Sec. 2. 3 V.S.A. § 902 is amended to read:
15	§ 902. DEFINITIONS
16	As used in this chapter:
17	* * *
18	(5) "State employee" means any individual employed on a permanent or
19	limited status basis by the State of Vermont, the Vermont State Colleges, the
20	University of Vermont, or the State's Attorneys' offices, including permanent

part-time employees, and an individual whose work has ceased as a

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1	consequence of, or in connection with, any current labor dispute or because	e of
2	any unfair labor practice, but excluding an individual:	
3	(A) exempt or excluded from the State classified service under the	ıe
4	provisions of section 311 of this title, except that the following types of	

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

employees are included within the meaning of "State employee":

- 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;

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- 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
 - (v) employees of State's Attorneys' offices are included within the 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:

1	* * *
2	(8) "Employee," means any individual employed and compensated on a
3	permanent or limited status basis by the Judiciary Department, including
4	permanent part-time employees and any individual whose employment has
5	ceased as a consequence of, or in connection with, any current labor dispute or
6	because of an unfair labor practice. "Employee" does not include any of the
7	following:
8	* * *
9	(E) an individual employed on a temporary, contractual, seasonal, or
10	on-call basis, including an intern, provided that:
11	(i) the individual was hired to:
12	(I) temporarily replace an employee on vacation, medical leave
13	or another leave of absence;
14	(II) accommodate peak or increased workloads; or
15	(III) replace or supplement permanent employees working on
16	special assignments or projects not normally included in the duties of
17	permanent employees; and
18	(ii) the individual has not worked more than 1,280 hours per year
19	in one or more such positions for a period of two years;
20	* * *
21	Sec. 4. EFFECTIVE DATE

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