

1 S.220

2 Introduced by Senator Parent

3 Referred to Committee on Government Operations

4 Date: January 7, 2022

5 Subject: Executive; State Employees Labor Relations Act; State-paid deputy
6 sheriffs

7 Statement of purpose of bill as introduced: This bill proposes to grant State-
8 paid deputy sheriffs collective bargaining rights under the State Employees
9 Labor Relations Act.

10 An act relating to State-paid deputy sheriffs

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

12 ~~Sec. 1, 3 V.S.A. § 902 is amended to read:~~

13 § 902. DEFINITIONS

14 As used in this chapter:

15 * * *

16 (5) "State employee" means any individual employed on a permanent or
17 limited status basis by the State of Vermont, the Vermont State Colleges, the
18 University of Vermont, or the State's Attorneys' offices, including permanent
19 ~~part-time employees, and, an individual whose work has ceased as a~~

1 ~~consequence of, or in connection with, any current labor dispute or because of~~
2 ~~any unfair labor practice; or an individual employed as a full-time deputy~~
3 ~~sheriff paid by the State pursuant to 24 V.S.A. § 290(b), but excluding an~~
4 ~~individual:~~

5 (A) exempt or excluded from the State classified service under the
6 provisions of section 311 of this title, except that the State Police in the
7 Department of Public Safety; employees of the Defender General, excluding
8 attorneys employed directly by the Defender General and attorneys contracted
9 to provide legal services; deputy State's Attorneys; and employees of State's
10 Attorneys' offices; and full-time deputy sheriffs paid by the State pursuant to
11 24 V.S.A. § 290(b) are included within the meaning of "State employee";

12 * * *

13 (7) "Employer" means the State of Vermont, excluding the Legislative
14 and Judiciary Departments, represented by the Governor or designee, the
15 Office of the Defender General represented by the Defender General or
16 designee, Vermont State Colleges represented by the Chancellor or designee,
17 and the University of Vermont represented by the President or designee. With
18 respect to employees of State's Attorneys' offices and full-time deputy sheriffs
19 paid by the State pursuant to 24 V.S.A. § 290(b), "employer" means the
20 Department of State's Attorneys and Sheriffs represented by the Executive
21 ~~Director or designee.~~

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~~Sec. 2. 3 V.S.A. § 911 is added to read:
§ 911. DESIGNATION OF DEPUTY SHERIFFS PAID BY STATE;
STATEWIDE BARGAINING RIGHTS
Deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) shall be
part of one statewide bargaining unit for the purpose of bargaining collectively
pursuant to this chapter.~~

~~Sec. 2. 3 V.S.A. § 911 is added to read:
§ 911. DESIGNATION OF DEPUTY SHERIFFS PAID BY STATE;
STATEWIDE BARGAINING RIGHTS
Deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) shall be
part of a single, separate statewide bargaining unit for the purpose of
bargaining collectively pursuant to this chapter. The bargaining unit created
pursuant to this section shall be referred to as the State Paid Deputy Sheriffs
Unit.~~

Sec. 3. EXISTING BARGAINING UNIT; DECERTIFICATION
On the effective date of this act, the existing bargaining unit and
certification of an exclusive bargaining representative for the State-paid deputy
sheriffs in the Chittenden County Sheriff's Department shall be dissolved and
the members of that bargaining unit shall be eligible to organize and bargain
collectively under the provisions of the State Employees Labor Relations Act,
3 V.S.A. chapter 27.

~~Sec. 4. EFFECTIVE DATE
This act shall take effect on passage.~~

~~Sec. 4. 3 V.S.A. § 904 is amended to read:~~

~~§ 904. SUBJECTS FOR BARGAINING~~

~~(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters that are prescribed or controlled by statute. The matters appropriate for collective bargaining to the extent they are not prescribed or controlled by statute include:~~

~~***~~

~~(8) terms of coverage and amount of employee financial participation in insurance programs, except that the Department of State's Attorneys and Sheriffs and the deputy State's Attorneys ~~and~~ other employees of the State's Attorneys' offices, and deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) shall not bargain in relation to terms of coverage;~~

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~~Sec. 5. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2022.~~

~~Sec. 1. 3 V.S.A. § 902 is amended to read:~~

~~§ 902. DEFINITIONS~~

~~As used in this chapter:~~

~~***~~

~~(5) "State employee" means any individual employed on a permanent or limited status basis by the State of Vermont, the Vermont State Colleges, the University of Vermont, ~~or~~ the State's Attorneys' offices, or as a full-time deputy sheriff paid by the State pursuant to 24 V.S.A. § 290(b), including permanent part-time employees, and an individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, but excluding an individual:~~

~~(A) exempt or excluded from the State classified service under the provisions of section 311 of this title, except that the State Police in the Department of Public Safety; employees of the Defender General, excluding attorneys employed directly by the Defender General and attorneys contracted to provide legal services; deputy State's Attorneys; ~~and~~ employees of State's Attorneys' offices; and full-time deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) are included within the meaning of "State employee";~~

~~***~~

(7)(A) “Employer” means the State of Vermont, excluding the Legislative and Judiciary Departments, represented by the Governor or designee, the Office of the Defender General represented by the Defender General or designee, Vermont State Colleges represented by the Chancellor or designee, and the University of Vermont represented by the President or designee.

(B) With respect to employees of State’s Attorneys’ offices and full-time deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b), “employer” means the Department of State’s Attorneys and Sheriffs represented by the Executive Director or designee. Nothing in this subdivision (7)(B) shall be construed to affect a sheriff’s deputation authority pursuant to 24 V.S.A. § 307(a).

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Sec. 2. 3 V.S.A. § 906 is amended to read:

§ 906. DESIGNATION OF MANAGERIAL, SUPERVISORY, AND CONFIDENTIAL EMPLOYEES

* * *

(b)(1) The Executive Director of the Department of State’s Attorneys and Sheriffs may determine positions in the State’s Attorneys’ offices whose incumbents the Executive Director believes should be designated as managerial, supervisory, or confidential employees. Any disputes arising from the determination shall be finally resolved by the Board.

(2) The Executive Director of the Department of State’s Attorneys and Sheriffs may designate as a confidential employee not more than one deputy sheriff paid by the State pursuant to 24 V.S.A. § 290(b) who is assigned to the Department of State’s Attorneys and Sheriffs’ central office to serve as the coordinator for the other State-paid deputies.

Sec. 3. 3 V.S.A. § 911 is added to read:

*§ 911. DESIGNATION OF DEPUTY SHERIFFS PAID BY STATE;
STATEWIDE BARGAINING RIGHTS*

(a) Deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) shall be part of a single, separate statewide bargaining unit, as determined to be appropriate by the Board pursuant to section 941 of this title, for the purpose of bargaining collectively pursuant to this chapter.

(b) The bargaining unit created pursuant to this section shall be referred to as the State-Paid Deputy Sheriffs Unit.

Sec. 4. EXISTING BARGAINING UNIT; DECERTIFICATION

On the effective date of this act, the existing bargaining unit and certification of an exclusive bargaining representative for the State-paid deputy sheriffs in the Chittenden County Sheriff's Department shall be dissolved.

Sec. 5. 3 V.S.A. § 904 is amended to read:

§ 904. SUBJECTS FOR BARGAINING

(a) All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining except those matters that are prescribed or controlled by statute. The matters appropriate for collective bargaining to the extent they are not prescribed or controlled by statute include:

** * **

(8) terms of coverage and amount of employee financial participation in insurance programs, except that the Department of State's Attorneys and Sheriffs and the deputy State's Attorneys ~~and~~ other employees of the State's Attorneys' offices, and deputy sheriffs paid by the State pursuant to 24 V.S.A. § 290(b) shall not bargain in relation to terms of coverage and the amount of employee financial participation in insurance programs;

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Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2022.