

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was  
3 referred House Bill No. 81 entitled “An act relating to statewide public school  
4 employee health benefits” respectfully reports that it has considered the same  
5 and recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

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

8 § 2101. DEFINITIONS

9 As used in this chapter:

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

13 (2) “School employee” ~~means:~~

14 (A) includes the following individuals:

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

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

19 (iii) an individual employed as a supervisor as defined in

20 21 V.S.A. § 1502;

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

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

2               (vi) any other permanent employee of a school employer not

3               covered by subdivisions (i)–(v) of this subdivision (2); and

4               (B) notwithstanding subdivision (A) of this subdivision (2), excludes  
5               individuals who serve in the role of superintendent or in the role of the primary  
6               school business official for a school employer.

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

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

10              § 2102. COMMISSION ON PUBLIC SCHOOL EMPLOYEE HEALTH

11                                      BENEFITS CREATED

12   \* \* \*

13               (b) Composition and appointment.

14               (1) The Commission shall have 10 members, of whom five shall be  
15               representatives of school employees and five shall be representatives of school  
16               employers.

17               (2)(A) The representatives of school employees shall be appointed as  
18               follows:

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

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

4   \* \* \*

5           (d) Removal of Commission members. Members of the Commission may  
6 be removed ~~only for cause. The Commission shall adopt rules pursuant to 3~~  
7 ~~V.S.A. chapter 25 to define the basis and process for removal by the~~  
8 ~~appointing authority of the member without cause.~~

9   \* \* \*

10          (f) Compensation. Commission members shall be entitled to receive per  
11 diem compensation and reimbursement of expenses ~~pursuant to~~ as permitted  
12 under 32 V.S.A. § 1010 for not more than 20 meetings per year.

13          (g) Release time. A school district that employs a member of the  
14 Commission, or an alternate member of the Commission under subsection (j)  
15 of this section, who represents school employees or school employers shall  
16 grant the Commission member time off as necessary for the member to attend  
17 meetings of the Commission.

18          (h) Staffing and expenses. The Commission may hire staff as it deems  
19 necessary to carry out its duties under this chapter. Compensation for  
20 Commission staff and administrative expenses of the Commission shall be  
21 shared equally by school employers and school employees. The

1 representatives of school employers and the representatives of school  
2 employees shall equitably apportion their share of the costs of compensation  
3 and administrative expenses among their members.

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

7 (j) Alternate members.

8 (1) Four alternate members may be appointed to the Commission.

9 (2) Up to two alternate members may be appointed by representatives of  
10 school employees and up to two members may be appointed by representatives  
11 of school employers.

12 (3) The term of each alternate member, if appointed, shall be six years.

13 (4) An alternate member may serve temporarily in the role as a member  
14 appointed under subsection (b) of this section only in the absence of an  
15 appointed member and shall not otherwise have participation or voting rights  
16 in Commission business.

17 (5) An alternate member shall be appointed to be a full member of the  
18 Commission by the alternate member's appointing authority upon the  
19 resignation or removal of a full member.

1           (6) In the event of a vacancy of an alternate member, the appointing  
2           authority of the alternate member shall appoint a successor to serve out the  
3           remainder of the alternate member’s term.

4           (7) Alternate members may be removed by the appointing authority of  
5           the alternate member without cause.

6           (k) Funding. The Commission shall request the Governor to include in the  
7           Governor’s annual budget a minimum of \$35,000.00 appropriated to the  
8           Agency of Education for per diem compensation and reimbursement of  
9           expenses for members of the Commission. Any unencumbered appropriation  
10           shall revert to the General Fund in the year following the conclusion of an  
11           agreement under subdivision 2104(b)(1) of this title.

12           Sec. 3. APPROPRIATION

13           The sum of \$35,000.00 is appropriated to the Agency of Education from the  
14           General Fund for fiscal year 2022 for per diem compensation and  
15           reimbursement of expenses for members of the Commission.

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

17           § 2103. DUTIES OF THE COMMISSION

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

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

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

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

8           (b)(1) The Commission shall determine the amount of ~~school~~ participating  
9 employees' calendar year out-of-pocket expenses for which the school  
10 employer and the ~~school~~ participating employees shall be responsible, and  
11 whether school employers shall establish a health reimbursement arrangement,  
12 a health savings account, both, or neither, for their participating employees.

13                                       \* \* \*

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

17                                       \* \* \*

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

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

3       (f) In no case shall a school employee receive cash in lieu of receipt of full  
4       healthcare benefits from one school employer while simultaneously receiving  
5       full health care benefits from the same or another school employer.

6       Accommodations shall be made for employees whose full-time work load is  
7       shared between more than one school employer, and who may not otherwise  
8       qualify for full health care benefits from only one school employer.

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

10       § 2104. NEGOTIATION; TIME TO BEGIN; GOOD FAITH; WRITTEN

11                   AGREEMENT

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

20                   \* \* \*

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

1 § 2105. DISPUTE RESOLUTION

2 \* \* \*

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

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

15 (3)(A) The arbitrator or arbitrators shall hold a hearing on or before  
16 November 15 at which the Commission members shall submit all relevant  
17 evidence, documents, and written material, including a cost estimate for the  
18 term of the proposal with a breakdown of costs borne by employers and costs  
19 borne by employees, and each member may submit oral or written testimony in  
20 support of his or her position on any undecided issue that is subject to  
21 arbitration.



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(4) The arbitrator or arbitrators shall issue their written decision within 30 days after the hearing, providing a full explication of the basis for the decision. The decision of the arbitrator or arbitrators shall be final and binding upon the Commission and all school employees and school employers. The decision shall not be subject to ratification.

(5) Upon the petition of a Commission member majority of the employer or the employee members within not more than 15 days following the arbitration decision, a Superior Court shall vacate the decision if:

(A) it was procured by corruption, fraud, or other undue means;

(B) there was evident partiality or prejudicial misconduct by the arbitrator or arbitration panel or by one or more individual arbitrators;

(C) the arbitrator or arbitrators arbitration panel exceeded their its power or rendered a decision requiring a person to commit an act or engage in conduct prohibited by law; or

(D) there is an absence of substantial evidence on the record as a whole to support the decision.

\* \* \*

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

1 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

3

Representative \_\_\_\_\_

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FOR THE COMMITTEE