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H.432

Introduced by Committee on Government Operations

Date:

Subject: Executive, Judicial, and Legislative Branches; State officers and
employees; compensation increases; funding

Statement of purpose of bill as introduced: This bill proposes to:

(1) fully fund the collective bargaining agreements applicable to State
employees in the Executive and Judicial Branches in fiscal year 2022;

(2) authorize compensation increases for exempt employees in the
Executive Branch in fiscal year 2022 consistent with the fiscal year 2022
collective bargaining agreement increases;

(3) adjust the compensation for certain statutory State and county
officers in fiscal year 2022 consistent with the fiscal year 2022 collective
bargaining agreement increases; and

(4) provide appropriations to fund compensation increases in the
Executive, Judicial, and Legislative Branches.

An act relating to compensation for certain State employees (Pay Act)

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

2 * * * Collective Bargaining Agreements; Fiscal Year 2022 * * *

3 Sec. 1. COLLECTIVE BARGAINING AGREEMENTS; FISCAL YEAR
4 2022

5 This act fully funds the collective bargaining agreements between the State
6 and the Vermont State Employees' Association and the State and the Vermont
7 Troopers' Association for the period of July 1, 2021 through June 30, 2022.
8 These collective bargaining agreements provide in fiscal year 2022 an average
9 1.9 percent step increase and 2.25 percent across-the-board increase for a total
10 of 4.15 percent increase.

11 * * * Executive Branch; Exempt Employees; Fiscal Year 2022 * * *

12 Sec. 2. EXECUTIVE BRANCH; EXEMPT EMPLOYEES; PERMITTED
13 SALARY INCREASES; FISCAL YEAR 2022

14 (a) Exempt employees in the Executive Branch may receive salary
15 increases not to exceed the average rate of adjustment available to classified
16 employees, which is 4.15 percent, in fiscal year 2022 beginning on July 4,
17 2021.

18 (b) The permitted increases set forth in subsection (a) of this section are
19 consistent with the collective bargaining agreement between the State and the
20 Vermont State Employees' Association for classified employees in the
21 Executive Branch for fiscal year 2022.

1 Sec. 3. EXECUTIVE BRANCH; EXEMPT AGENCY AND DEPARTMENT
2 HEADS, DEPUTIES, AND EXECUTIVE ASSISTANTS; ANNUAL
3 SALARY ADJUSTMENT AND SPECIAL SALARY INCREASE
4 OR BONUS

5 For purposes of determining annual salary adjustments, special salary
6 increases, and bonuses under 32 V.S.A. §§ 1003(b) and 1020(b), “the average
7 rate of adjustment available to classified employees under the collective
8 bargaining agreement” shall be, in fiscal year 2022, 4.15 percent.

9 Sec. 4. 32 V.S.A. § 1020 is amended to read:

10 § 1020. SALARY ADJUSTMENT; APPROVAL OF GOVERNOR

11 (a) Compensation to be paid any officer or employee within the Executive
12 Branch of State government shall be determined at the time the officer or
13 employee is hired by the Governor or such person as the Governor shall
14 designate, subject to any applicable statutory limits, other than:

15 (1) an employee in the classified service;

16 (2) a member of the uniformed State Police within the Department of
17 Public Safety; or

18 (3) an officer or employee whose compensation is specifically fixed by
19 statute, ~~shall be determined at the time the officer or employee is hired by the~~
20 ~~Governor or such person as the Governor shall designate subject to any~~
21 ~~applicable statutory limits.~~

1 (b)(1) Annually, subject to any applicable statutory salary limits, the
2 Governor may grant annual salary adjustments to exempt employees who are
3 deputies or executive assistants to department heads or are deputies or
4 executive assistants to agency secretaries. The annual salary adjustment
5 granted to any officer under this subsection shall not exceed the average ~~of the~~
6 ~~total~~ rate of adjustment available to classified employees under the collective
7 bargaining agreement then in effect.

8 (2) In addition to the annual salary adjustment specified in this
9 subsection, the Governor may grant a special salary increase or a bonus to any
10 such officer whose job duties have significantly increased, or whose
11 contributions to the State in the preceding year are deemed especially
12 significant. Special salary increases or bonuses granted to any individual shall
13 not exceed the average ~~of the total~~ rate of adjustment available to classified
14 employees under the collective bargaining agreement then in effect.

15 (c)(1) The Governor may establish one or more compensation plans for
16 other exempt employees ~~which~~ that provide for adjustments in salary based on
17 changes in the duties performed, seniority, or other objective factors ~~which~~ that
18 the ~~governor~~ Governor finds to be appropriate.

19 (2) The Governor may extend to such employees any adjustments to
20 compensation not to exceed those available to classified employees provided
21 under the collective bargaining agreement then in effect.

1 appointive officer shall be 50 percent above the base salary. Annually, the
2 Governor may grant to each of those officers an annual salary adjustment
3 subject to the maximum salary. The annual salary adjustment granted to
4 officers under this subsection shall not exceed the average ~~of the total~~ rate of
5 adjustment available to classified employees under the collective bargaining
6 agreement then in effect. In addition to the annual salary adjustment specified
7 in this subsection, the Governor may grant a special salary increase subject to
8 the maximum salary, or a bonus, to any officer listed in this subsection whose
9 job duties have significantly increased, or whose contributions to the State in
10 the preceding year are deemed especially significant. Special salary increases
11 or bonuses granted to any individual shall not exceed the average ~~of the total~~
12 rate of adjustment available to classified employees under the collective
13 bargaining agreement then in effect.

14 (1) Heads of the following Departments and Agencies:

15	Base	Base	<u>Base</u>
16	Salary	Salary	<u>Salary</u>
17	as of	as of	<u>as of</u>
18	July 7,	January 5,	<u>July 4,</u>
19	2019	2020	<u>2021</u>

1	(A) Administration	\$109,849	\$111,332	<u>\$115,952</u>
2	(B) Agriculture, Food and			
3	Markets	109,849	111,332	<u>115,952</u>
4	(C) Financial Regulation	102,693	104,079	<u>108,398</u>
5	(D) Buildings and General Services	102,693	104,079	<u>108,398</u>
6	(E) Children and Families	102,693	104,079	<u>108,398</u>
7	(F) Commerce and Community			
8	Development	109,849	111,332	<u>115,952</u>
9	(G) Corrections	102,693	104,079	<u>108,398</u>
10	(H) Defender General	102,693	104,079	<u>108,398</u>
11	(I) Disabilities, Aging, and	102,693	104,079	<u>108,398</u>
12	Independent Living			
13	(J) Economic Development	93,155	94,413	<u>98,331</u>
14	(K) Education	109,849	111,332	<u>115,952</u>
15	(L) Environmental Conservation	102,693	104,079	<u>108,398</u>
16	(M) Finance and Management	102,693	104,079	<u>108,398</u>
17	(N) Fish and Wildlife	93,155	94,413	<u>98,331</u>
18	(O) Forests, Parks and Recreation	93,155	94,413	<u>98,331</u>
19	(P) Health	102,693	104,079	<u>108,398</u>
20	(Q) Housing and Community	93,155	94,413	<u>98,331</u>
21	Development			

1	(R) Human Resources	102,693	104,079	<u>108,398</u>
2	(S) Human Services	109,849	111,332	<u>115,952</u>
3	(T) Digital Services	109,849	111,332	<u>115,952</u>
4	(U) Labor	102,693	104,079	<u>108,398</u>
5	(V) Libraries	93,155	94,413	<u>98,331</u>
6	(W) Liquor and Lottery	93,155	94,413	<u>98,331</u>
7	(X) [Repealed.]			
8	(Y) Mental Health	102,693	104,079	<u>108,398</u>
9	(Z) Military	102,693	104,079	<u>108,398</u>
10	(AA) Motor Vehicles	93,155	94,413	<u>98,331</u>
11	(BB) Natural Resources	109,849	111,332	<u>115,952</u>
12	(CC) Natural Resources Board			
13	Chair	93,155	94,413	<u>98,331</u>
14	(DD) Public Safety	102,693	104,079	<u>108,398</u>
15	(EE) Public Service	102,693	104,079	<u>108,398</u>
16	(FF) Taxes	102,693	104,079	<u>108,398</u>
17	(GG) Tourism and Marketing	93,155	94,413	<u>98,331</u>
18	(HH) Transportation	109,849	111,332	<u>115,952</u>
19	(II) Vermont Health Access	102,693	104,079	<u>108,398</u>
20	(JJ) Veterans' Home	102,693	104,079	<u>108,398</u>

1 (2) The Secretary of Administration may include the Director of the
2 Office of Professional Regulation in any pay plans that may be established
3 under the authority of subsection 1020(c) of this title, provided the minimum
4 hiring rate does not fall below a base salary, as of ~~July 7, 2019~~ of ~~\$78,975.00~~
5 ~~and as of January 5, 2020~~ of ~~\$80,041.00~~ and as of July 4, 2021 of \$83,363.00.

6 (3) If the Chair of the Natural Resources Board is employed on less than
7 a full-time basis, the hiring and salary maximums for that position shall be
8 reduced proportionately.

9 (4) When a permanent employee is appointed to an exempt position, the
10 Governor may authorize such employee to retain the present salary even
11 though it is in excess of any salary maximum provided in statute.

12 * * *

13 (d) Notwithstanding the maximum salary established in subsection (b) of
14 this section, the Defender General shall not receive compensation in excess of
15 the compensation established for the Attorney General in this section.

16 (e) Notwithstanding the maximum salary established in subsection (b) of
17 this section, the maximum salary for the Commissioner of Health ~~may~~ shall not
18 exceed \$150,000.00.

1 * * * Judicial Branch; Statutory Salaries; Fiscal Year 2022 * * *

2 Sec. 6. 32 V.S.A. § 1003(c) is amended to read:

3 (c) The officers of the Judicial Branch named below shall be entitled to
4 annual salaries as follows:

	Annual	Annual	<u>Annual</u>
	Salary	Salary	<u>Salary</u>
	as of	as of	<u>as of</u>
	July 7,	January 5,	<u>July 4,</u>
	2019	2020	<u>2021</u>
10 (1) Chief Justice of Supreme	\$174,843	\$177,203	<u>\$184,557</u>
11 Court			
12 (2) Each Associate Justice	66,868	169,121	<u>176,140</u>
13 (3) Administrative judge <u>Judge</u>	166,868	169,121	<u>176,140</u>
14 (4) Each Superior judge	158,635	160,777	<u>167,449</u>
15 (5) [Repealed.]			
16 (6) Each magistrate	119,609	121,224	<u>126,255</u>
17 (7) Each Judicial Bureau hearing	119,609	121,224	<u>126,255</u>
18 officer			

1 Sec. 7. 32 V.S.A. § 1141 is amended to read:

2 § 1141. ASSISTANT JUDGES

3 (a)(1) Each assistant judge of the Superior Court shall be entitled to receive
4 compensation in the amount of ~~\$183.38 a day as of July 7, 2019~~ and \$185.86 a
5 day as of January 5, 2020 and \$193.57 a day as of July 4, 2021 for time spent
6 in the performance of official duties and necessary expenses as allowed to
7 classified State employees. Compensation under this section shall be based on
8 a two-hour minimum and hourly thereafter.

9 (2)(A) The compensation paid to an assistant judge pursuant to this
10 section shall be paid by the State except as provided in subdivision (B) of this
11 subdivision (2).

12 (B) The compensation paid to an assistant judge pursuant to this
13 section shall be paid by the county at the State rate established in
14 subdivision (a)(1) of this section when an assistant judge is sitting with a
15 presiding Superior judge in the Civil or Family Division of the Superior Court.

16 (b) Assistant judges of the Superior Court shall be entitled to receive pay
17 for such days as they attend court when it is in actual session, or during a court
18 recess when engaged in the special performance of official duties.

1 Sec. 8. 32 V.S.A. § 1142 is amended to read:

2 § 1142. PROBATE JUDGES

3 (a) The Probate judges in the several Probate Districts shall be entitled to
4 receive the following annual salaries, which shall be paid by the State in lieu of
5 all fees or other compensation:

	Annual Salary	Annual Salary	<u>Annual Salary</u>
	as of	as of	<u>as of</u>
	July 7, 2019	January 5, 2020	<u>July 4, 2021</u>
9 (1) Addison	\$62,540	\$63,384	<u>\$66,014</u>
10 (2) Bennington	79,060	80,127	<u>83,452</u>
11 (3) Caledonia	55,461	56,210	<u>58,543</u>
12 (4) Chittenden	131,939	133,720	<u>139,269</u>
13 (5) Essex	15,494	15,703	<u>16,355</u>
14 (6) Franklin	62,540	63,384	<u>66,014</u>
15 (7) Grand Isle	15,494	15,703	<u>16,355</u>
16 (8) Lamoille	43,660	44,249	<u>46,085</u>
17 (9) Orange	51,919	52,620	<u>54,804</u>
18 (10) Orleans	50,740	51,425	<u>53,559</u>
19 (11) Rutland	112,100	113,613	<u>118,328</u>
20 (12) Washington	86,138	87,301	<u>90,924</u>

1	(13) Windham	69,620	70,560	<u>73,488</u>
2	(14) Windsor	94,400	95,674	<u>99,644</u>

3 (b) Probate judges shall be entitled to be paid by the State for their actual
4 and necessary expenses under the rules and regulations pertaining to classified
5 State employees. The compensation for the Probate judge of the Chittenden
6 District shall be for full-time service.

7 (c) All Probate judges, regardless of the number of hours worked annually,
8 shall be eligible to participate in all employee benefits that are available to
9 exempt employees of the Judicial Department.

10 * * * Sheriffs; Statutory Salaries; Fiscal Year 2022 * * *

11 Sec. 9. 32 V.S.A. § 1182 is amended to read:

12 § 1182. SHERIFFS

13 (a) The sheriffs of all counties except Chittenden shall be entitled to receive
14 salaries in the amount of ~~\$84,969.00 as of July 7, 2019~~ and \$86,116.00 as of
15 January 5, 2020 and \$89,690.00 as of July 4, 2021. The Sheriff of Chittenden
16 County shall be entitled to an annual salary in the amount of ~~\$89,919.00 as of~~
17 ~~July 7, 2019~~ and \$91,133.00 as of January 5, 2020 and \$94,915.00 as of July 4,
18 2021.

19 (b) Compensation under subsection (a) of this section shall be reduced by
20 10 percent for any sheriff who has not obtained Level III law enforcement
21 officer certification under 20 V.S.A. § 2358.

1 * * * State's Attorneys; Statutory Salaries; Fiscal Year 2022 * * *

2 Sec. 10. 32 V.S.A. § 1183 is amended to read:

3 § 1183. STATE'S ATTORNEYS

4 (a) The State's Attorneys shall be entitled to receive annual salaries as
5 follows:

	Annual	Annual	<u>Annual</u>
	Salary	Salary	<u>Salary</u>
	as of	as of	<u>as of</u>
	July 7,	January 5,	<u>July 4,</u>
	2019	2020	<u>2021</u>
11 (1) Addison County	\$114,934	\$116,486	<u>\$121,320</u>
12 (2) Bennington County	\$114,934	\$116,486	<u>\$121,320</u>
13 (3) Caledonia County	\$114,934	\$116,486	<u>\$121,320</u>
14 (4) Chittenden County	\$120,160	\$121,782	<u>\$126,836</u>
15 (5) Essex County	\$86,202	\$87,366	<u>\$90,992</u>
16 (6) Franklin County	\$114,934	\$116,486	<u>\$121,320</u>
17 (7) Grand Isle County	\$86,202	\$87,366	<u>\$90,992</u>
18 (8) Lamoille County	\$114,934	\$116,486	<u>\$121,320</u>
19 (9) Orange County	\$114,934	\$116,486	<u>\$121,320</u>
20 (10) Orleans County	\$114,934	\$116,486	<u>\$121,320</u>
21 (11) Rutland County	\$114,934	\$116,486	<u>\$121,320</u>

1	(12) Washington County	\$114,934	\$116,486	<u>\$121,320</u>
2	(13) Windham County	\$114,934	\$116,486	<u>\$121,320</u>
3	(14) Windsor County	\$114,934	\$116,486	<u>\$121,320</u>

4 * * *

5 * * * Appropriations * * *

6 Sec. 11. PAY ACT APPROPRIATIONS; FISCAL YEAR 2022

7 (a) Executive Branch. The second year of the two-year agreements
8 between the State of Vermont and the Vermont State Employees' Association
9 for the Defender General, Non-Management, Supervisory, and Corrections
10 bargaining units, and, for the purpose of appropriation, the State's Attorneys'
11 offices bargaining unit, for the period of July 1, 2021 through June 30, 2022;
12 the collective bargaining agreement with the Vermont Troopers' Association
13 for the period of July 1, 2021 through June 30, 2022; and salary increases for
14 employees in the Executive Branch not covered by the bargaining agreements
15 shall be funded as follows:

16 (1) Fiscal year 2022.

17 (A) General Fund. The amount of \$10,033,806.00 is appropriated
18 from the General Fund to the Secretary of Administration for distribution to
19 departments to fund the fiscal year 2022 collective bargaining agreements and
20 the requirements of this act.

1 (B) Transportation Fund. The amount of \$5,151,540.00 is
2 appropriated from the Transportation Fund to the Secretary of Administration
3 for distribution to the Agency of Transportation and the Department of Public
4 Safety to fund the fiscal year 2022 collective bargaining agreements and the
5 requirements of this act.

6 (C) Other funds. The Administration shall provide additional
7 spending authority to departments through the existing process of excess
8 receipts to fund the fiscal year 2022 collective bargaining agreements and the
9 requirements of this act. The estimated amounts are \$15,775,278.00 from a
10 special fund, federal funds, and other sources.

11 (D) Transfers. With due regard to the possible availability of other
12 funds, for fiscal year 2022, the Secretary of Administration may transfer from
13 the various appropriations and various funds and from the receipts of the
14 Liquor Control Board such sums as the Secretary may determine to be
15 necessary to carry out the purposes of this act to the various agencies supported
16 by State funds.

17 (2) This section shall include sufficient funding to ensure administration
18 of exempt pay plans authorized by 32 V.S.A. § 1020(c).

1 (b) Judicial Branch.

2 (1) The Chief Justice of the Vermont Supreme Court may extend the
3 provisions of the Judiciary's collective bargaining agreement to Judiciary
4 employees who are not covered by the bargaining agreement.

5 (2) The second year of the two-year agreements between the State of
6 Vermont and the Vermont State Employees' Association for the judicial
7 bargaining unit for the period of July 1, 2021 through June 30, 2022 and salary
8 increases for employees in the Judicial Branch not covered by the bargaining
9 agreements shall be funded as follows: the amount of \$978,648.00 is
10 appropriated from the General Fund to the Judiciary to fund the fiscal year
11 2022 collective bargaining agreement and the requirements of this act.

12 (c) Legislative Branch. For the period of July 1, 2021 through
13 June 30, 2022, the General Assembly shall be funded as follows: the amount
14 of \$399,630.00 is appropriated from the General Fund to the Legislative
15 Branch.

16 * * * Fiscal Year 2021; One-Time Payments * * *

17 Sec. 12. FISCAL YEAR 2021; ONE-TIME PAYMENTS AUTHORIZED

18 (a) The Executive Branch is authorized to provide elected State officials
19 whose salaries are set pursuant to 32 V.S.A. § 1003 (State officers), who did
20 not otherwise receive a salary increase in fiscal year 2021, a one-time cash

1 payment equivalent to the value of a 1.9 percent increase on their fiscal year
2 2020 salary.

3 (b) The Judicial Branch is authorized to provide judges whose salaries are
4 set pursuant to 32 V.S.A. §§ 1141–1142, who did not otherwise receive a
5 salary increase in fiscal year 2021, a one-time cash payment equivalent to the
6 value of a 1.9 percent increase on their fiscal year 2020 salary.

7 * * * Effective Dates * * *

8 Sec. 13. EFFECTIVE DATES

9 This act shall take effect on July 1, 2021, except that Sec. 12 (one-time
10 payments) shall take effect on passage.