

TESTIMONY

Testimony To: House Committee on Education
Respectfully Submitted by: Bill Bates, Chief Financial Officer
Subject: Requested change to Act 72 of 2021 position language
Date: April 20, 2022

Thank you for the opportunity to submit written testimony in support of the Agency of Education's (AOE) request for an update to language in [Act 72 of 2021](#) (Sec. 7) establishing a limited service position to support ongoing school facilities work.

Background

The Vermont General Assembly passed Act 72 of 2021 during the 2021 legislative session. This legislation created a new, limited-service position at the AOE to support the activities of the Act. The General Assembly also directed the Agency to use an existing position from the executive branch position pool. The General Assembly funded this position through January 15, 2023.

Position Status

Because this was a new type of position in state government, it was subject to the Department of Human Resources process for creating new positions, the Request for Review (RFR) process, prior to requesting a position for the pool. Both processes took a long time to complete.

The hiring process yielded two potentially viable candidates; one who was screened out during the interview process, and another who was uninterested in the role if it was limited service and only through the beginning of January 2023. A second search process yielded no qualified candidates.

Recommendations:

The Agency requests that the General Assembly amend Act 72 of 2021 to allow the Agency to contract for services should the Agency be unable to hire a limited-service position through the standard hiring process. The AOE further requests that the end date for this position and/or contract be extended to September 30, 2023 to account for the delays associated with the hiring challenges outlined above (see [draft language](#)).

We also wish to note the inherent additional challenges posed by the method of creating this position in Act 72. The Agency is anxious to move swiftly on facilities work, given the critical importance of this topic. Requiring the Agency to go to the pool for a position adds an

Contact Information:

If you have questions about this document or would like additional information please contact: Bill Bates, Chief Financial Officer, at bill.bates@vermont.gov.

additional step and complexity to the hiring process, which is particularly challenging given the constrained labor market at present. The Agency respectfully requests that, should the General Assembly wish the Agency to act swiftly on future policy priorities, that it consider creating new positions entirely, to enable the Agency to more quickly recruit for the new position. This is particularly important given the increased potential that a second recruitment round may be necessary in a tight labor market.

Recommended Language

The Agency proposes that the General Assembly amend Act 72 of 2021 as follows:

SEC. XX

Act 72 of 2021, Section 7 is amended to read:

Sec. 7. AGENCY OF EDUCATION; CREATION OF POSITIONS **OR CONTRACT**

(a) One limited-service position funded through **September 30**, 2023 is created in the Agency of Education to implement this act by using an existing position in the position pool. **In the event the required expertise is not available through position recruitment, the Agency is authorized to contract for the service to implement this act.**

(b) In fiscal year 2022, the Agency of Education is authorized to use not more than \$127,500.00 from the amount allocated to the Agency of Education Elementary and Secondary School Emergency Relief Fund pursuant to Section 313(e) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116–260 for the position **or the contract** described in subsection (a) of this section.