1	Introduced by Representative Townsend of South Burlington
2	Referred to Committee on
3	Date:
4	Subject: Education; collective bargaining; Commission on Public School
5	Employee Health Benefits
6	Statement of purpose of bill as introduced: This bill proposes to make various
7	changes to the process for statewide collective bargaining for public school
8	employee health benefits.
9	An act relating to statewide public school employee health benefits
10	It is hereby enacted by the General Assembly of the State of Vermont:
11	
	Sec. 1. 16 V.S.A. § 2101 is amended to read:
12	Sec. 1. 16 V.S.A. § 2101 is amended to read: § 2101. DEFINITIONS
12 13	
	§ 2101. DEFINITIONS
13	§ 2101. DEFINITIONS As used in this chapter:
13 14	§ 2101. DEFINITIONSAs used in this chapter:(1) "Participating employee" means a school employee who is eligible

18 (A) includes the following individuals:

1	(A)(i) an individual employed by a supervisory union or school
2	district employer as a teacher or administrator as defined in section 1981 of
3	this title; or
4	(B)(ii) a municipal school employee as defined in 21 V.S.A. § 1722;
5	(iii) an individual employed as a supervisor as defined in
6	<u>21 V.S.A. § 1502;</u>
7	(iv) a confidential employee as defined in 21 V.S.A. § 1722;
8	(v) a certified employee of a school employer; and
9	(vi) any other permanent employee of a school employer not
10	covered by subdivisions (i)-(v) of this subdivision (2); and
11	(B) notwithstanding subdivision (A) of this subdivision (2), excludes
12	individuals who serve in the role of superintendent.
13	(3) "School employer" means a supervisory union or school district as
14	those terms are defined in section 11 of this title.
15	Sec. 2. 16 V.S.A. § 2102 is amended to read:
16	§ 2102. COMMISSION ON PUBLIC SCHOOL EMPLOYEE HEALTH
17	BENEFITS CREATED
18	* * *
19	(b) Composition and appointment.

1	(1) The Commission shall have 10 members, of whom five shall be
2	representatives of school employees and five shall be representatives of school
3	employers.
4	(2)(A) The representatives of school employees shall be appointed as
5	follows:
6	(i) four members appointed by the labor organization representing
7	the greatest number of teachers, administrators, and municipal school
8	employees in this State; and
9	(ii) one member appointed by the labor organization representing
10	the second-greatest number of teachers, administrators, and municipal school
11	employees in this State.
12	* * *
13	(d) Removal of Commission members. Members of the Commission may
14	be removed by the Commission only for cause and may be removed by the
15	appointing authority of the member without cause. The Commission shall
16	adopt rules pursuant to 3 V.S.A. chapter 25 to define the basis and process for
17	removal.
18	* * *
19	(f) Compensation. Commission members shall be entitled to receive per
20	diem compensation and reimbursement of expenses pursuant to as permitted
21	under 32 V.S.A. § 1010 for not more than 10 meetings per year.

1	(g) Release time. A school district that employs a member of the
2	Commission, or an alternate member of the Commission under subsection (j)
3	of this section, who represents school employees or school employers shall
4	grant the Commission member time off as necessary for the member to attend
5	meetings of the Commission.
6	(h) Staffing and expenses. The Commission may hire staff as it deems
7	necessary to carry out its duties under this chapter. Compensation for
8	Commission staff and administrative expenses of the Commission shall be
9	shared equally by school employers and school employees. The
10	representatives of school employers and the representatives of school
11	employees shall equitably apportion their share of the costs of compensation
12	and administrative expenses among their members.
13	(h)(i) Rulemaking. The Commission may adopt rules or procedures, or
14	both, pursuant to 3 V.S.A. chapter 25 as needed to carry out its duties under
15	this chapter.
16	(j) Alternate members. Four alternate members may be appointed to the
17	Commission who, if appointed, shall be entitled to attend all negotiating
18	sessions of the Commission. Up to two alternate members may be appointed
19	by representatives of school employees and up to two alternate members may
20	be appointed by representatives of school employers. The term of each
21	alternate member, if appointed, shall be six years. In the event of a vacancy,

1	the appointing authority of the alternate member whose seat becomes vacant
2	shall appoint a successor to serve out the remainder of the alternate member's
3	term. Alternate members may be removed by the Commission only for cause
4	and may be removed by the appointing authority of the alternate member
5	without cause.
6	(k) Funding. The Commission shall request the Governor to include in the
7	Governor's annual budget a minimum of \$17,500.00 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 \$17,500.00 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' out-of-pocket expenses for which the school employer and the
10	school participating employees shall be responsible, and whether school
11	employers shall establish a health reimbursement arrangement, a health
12	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	Sec. 5. 16 V.S.A. § 2104 is amended to read:
4	§ 2104. NEGOTIATION; TIME TO BEGIN; GOOD FAITH; WRITTEN
5	AGREEMENT
6	(a)(1) The Commission shall commence negotiation of the matters set forth
7	in subsections 2103(a) and (b) of this chapter not later than April 1 of the year
8	before the existing agreement pursuant to this section is set to expire. On or
9	before October 1 of the year prior to commencement of bargaining, the
10	Commission shall request from the parties any data and information that it
11	anticipates needing for the negotiation in a common format, and on or before
12	February 1 of the year of bargaining, the parties shall submit to the
13	Commission the information requested.
14	* * *
15	Sec. 6. 16 V.S.A. § 2105 is amended to read:
16	§ 2105. DISPUTE RESOLUTION
17	* * *
18	(b)(1) If the Commission is unable to resolve all matters remaining in
19	dispute within 30 days after receiving the fact finder's report, the Commission
20	shall submit the matters remaining in dispute to the arbitrator or arbitrators
21	selected pursuant to section 2104 of this chapter for resolution.

1	(2) The representatives of school employees and the representatives of
2	school employers shall submit to the arbitrator or arbitrators their last best
3	offer on all issues remaining in dispute prior to the arbitration hearing. The
4	arbitrator or arbitrators shall select one of the last best offers without
5	amendment, submitted by the parties prior to the arbitration hearing in its
6	entirety without amendment. The parties shall not be permitted to modify their
7	last best offers post hearing. Prior to the issuance of the arbitrator's decision,
8	nothing shall prohibit the parties from settling the matters in dispute.
9	(3)(A) The arbitrator or arbitrators shall hold a hearing on or before
10	November 15 at which the Commission members shall submit all relevant
11	evidence, documents, and written material, including a cost estimate for the
12	term of the proposal with a breakdown of costs borne by employers and costs
13	borne by employees, and each member may submit oral or written testimony in
14	support of his or her position on any undecided issue that is subject to
15	arbitration.
16	* * *
17	(4) The arbitrator or arbitrators shall issue their <u>written</u> decision within
18	30 days after the hearing, explaining in appropriate detail the rationale for
19	selecting the last best offer. The decision of the arbitrator or arbitrators shall
20	be final and binding upon the Commission and all school employees and
21	school employers. The decision shall not be subject to ratification.

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- 2 Sec. 7. EFFECTIVE DATE

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3 <u>This act shall take effect on passage.</u>