1	S.78
2	Introduced by Senator Vyhovsky
3	Referred to Committee on
4	Date:
5	Subject: Executive; classification of State personnel; State Employees Labor
6	Relations Act; Judiciary Employees Labor Relations Act; temporary
7	State employees
8	Statement of purpose of bill as introduced: This bill proposes to establish
9	certain rights for temporary State employees and to permit long-term
10	temporary State employees to collectively bargain.
11	An act relating to temporary State employees
12	It is hereby enacted by the General Assembly of the State of Vermont:
13	Sec. 1. 3 V.S.A. § 331 is amended to read:
14	§ 331. TEMPORARY EMPLOYEES
15	* * *
16	(f)(1) An individual employed in a temporary or seasonal capacity shall:
17	(A) be entitled to the whistleblower protections, rights, and remedies
18	provided to State employees pursuant to sections 971-978 of this title;

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1	(B) be paid in accordance with the job classification and pay plan for
2	classified State employees that is most closely applicable to the work
3	performed by the individual; and
4	(C) receive paid and unpaid leave, including sick and annual leave,
5	parental and family leave, holidays, and other leave benefits provided to
6	comparable classified State employees.
7	(2) An individual employed in a temporary or seasonal capacity shall
8	not be terminated without good cause.
9	(3) The State shall provide an individual who has been employed in a
10	temporary capacity for a period of six months with health insurance benefits
11	that, at a minimum, satisfy the affordable minimum essential coverage
12	standards of the Affordable Care Act and provide coverage for the individual's
13	dependents.
14	Sec. 2. 3 V.S.A. § 902 is amended to read:
15	§ 902. DEFINITIONS
16	As used in this chapter:
17	* * *
18	(5) "State employee" means any individual employed on a permanent or
19	limited-status basis by the State of Vermont, the Vermont State Colleges, the
20	University of Vermont, 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

1	part-time employees, and an individual whose work has ceased as a
2	consequence of, or in connection with, any current labor dispute or because of
3	any unfair labor practice, but excluding an individual:
4	(A) exempt or excluded from the State classified service under the
5	provisions of section 311 of this title, except that the following types of
6	employees are included within the meaning of "State employee":
7	(i) State Police in the Department of Public Safety;
8	(ii) employees of the Defender General, excluding attorneys
9	employed directly by the Defender General and attorneys contracted to provide
10	legal services;
11	(iii) deputy State's Attorneys;
12	(iv) employees of State's Attorneys' offices; and
13	(v) full-time deputy sheriffs paid by the State pursuant to 24
14	V.S.A. § 290(b) are included within the meaning of "State employee"; and
15	(vi) individuals employed in temporary or intermittent positions
16	who work more than 1,280 hours per year in one or more such positions for a
17	period of two years, or who are designated as temporary employees but whose
18	employment does not comply with the requirements of subsection 331(b) of
19	this title;
20	* * *

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permanent employees; and

1	Sec. 3. 3 V.S.A. § 1011 is amended to read:
2	§ 1011. DEFINITIONS
3	As used in this chapter:
4	* * *
5	(8) "Employee," means any individual employed and compensated on a
6	permanent or limited status basis by the Judiciary Department, including
7	permanent part-time employees and any individual whose employment has
8	ceased as a consequence of, or in connection with, any current labor dispute or
9	because of an unfair labor practice. "Employee" does not include any of the
10	following:
11	* * *
12	(E) an individual employed on a temporary, contractual, seasonal, or
13	on-call basis, including an intern, provided that:
14	(i) the individual was hired to:
15	(I) temporarily replace an employee on vacation, medical leave,
16	or another leave of absence;
17	(II) accommodate peak or increased workloads; or
18	(III) replace or supplement permanent employees working on
19	special assignments or projects not normally included in the duties of

1	(ii) the individual has not worked more than 1,280 hours per year
2	in one or more such positions for a period of two years;
3	* * *
4	Sec. 4. EFFECTIVE DATE
5	This act shall take effect on July 1, 2023.