

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;

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 * * *

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

20 permanent employees; and

