

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General and Housing to which was referred Senate Bill  
3 No. 102 entitled “An act relating to expanding employment protections and  
4 collective bargaining rights” respectfully reports that it has considered the  
5 same and recommends that the House propose to the Senate that the bill be  
6 amended by striking out all after the enacting clause and inserting in lieu  
7 thereof the following:

8 Sec. 1. 21 V.S.A. § 495o is added to read:

9 § 495o. EMPLOYER COMMUNICATIONS RELATING TO RELIGIOUS  
10 OR POLITICAL MATTERS; EMPLOYEE RIGHTS

11 (a) An employer, or an employer’s agent, shall not discharge, discipline,  
12 penalize, or otherwise discriminate against, or threaten to discharge, discipline,  
13 penalize, or otherwise discriminate against, an employee:

14 (1) because the employee declines:

15 (A) to attend or participate in an employer-sponsored meeting that  
16 has the primary purpose of communicating the employer’s opinion about  
17 religious or political matters; or

18 (B) to view or participate in communications with or from the  
19 employer or the employer’s agent that have the primary purpose of  
20 communicating the employer’s opinion about religious or political matters; or

21 (2) as a means of requiring an employee to:

1           (A) attend an employer-sponsored meeting that has the primary  
2           purpose of communicating the employer’s opinion about religious or political  
3           matters; or

4           (B) view or participate in communications with or from the employer  
5           or the employer’s agent that have the primary purpose of communicating the  
6           employer’s opinion about religious or political matters.

7           (b) Nothing in this section shall be construed to:

8           (1) limit an employee’s right to bring a civil action for wrongful  
9           termination; or

10          (2) diminish or limit any rights provided to an employee pursuant to a  
11          collective bargaining agreement or employment contract.

12          (c) Nothing in this section shall be construed to prohibit an employer that is  
13          a religious or denominational institution or organization, or any organization  
14          operated for charitable or educational purposes, that is operated, supervised, or  
15          controlled by or in connection with a religious organization, from:

16          (1) communicating with its employees regarding the employer’s opinion  
17          on religious matters;

18          (2) requiring its employees to attend a meeting regarding the employer’s  
19          opinion on religious matters; or

20          (3) requiring its employees to view or participate in communications  
21          from the employer or the employer’s agent regarding the employer’s opinion

1 on religious matters.

2 (d) Nothing in this section shall be construed to prohibit an employer that is  
3 a political organization, a political party, or an organization that engages, in  
4 substantial part, in political matters from:

5 (1) communicating with its employees regarding the employer’s opinion  
6 on political matters;

7 (2) requiring its employees to attend a meeting regarding the employer’s  
8 opinion on political matters; or

9 (3) requiring its employees to view or participate in communications  
10 from the employer or the employer’s agent regarding the employer’s opinion  
11 on political matters.

12 (e) Nothing in this section shall be construed to prohibit an employer or the  
13 employer’s agent from:

14 (1) communicating information to an employee:

15 (A) that the employer is required to communicate pursuant to State or  
16 federal law; or

17 (B) that is necessary for the employee to perform the employee’s job  
18 functions or duties;

19 (2) requiring an employee to attend a meeting to discuss issues related to  
20 the employer’s business or operation when the discussion is necessary for the  
21 employee to perform the employee’s job functions or duties; or

1           (3) offering meetings, forums, or other communications about religious  
2           or political matters for which attendance or participation is entirely voluntary.

3           (f)(1) The penalty and enforcement provisions of section 495b of this  
4           subchapter shall apply to this section.

5           (2) The provisions against retaliation in subdivision 495(a)(8) of this  
6           subchapter shall apply to this section.

7           (g) As used in this section:

8           (1) “Political matters” means matters relating to:

9           (A) political affiliation;

10          (B) elections for political office;

11          (C) political parties;

12          (D) legislative proposals;

13          (E) proposals to change rules or regulations;

14          (F) the decision to join or support any political party or political,  
15          civic, community, fraternal, or labor organization; or

16          (G) any combination of subdivisions (A) through (F) of this  
17          subdivision (g)(1).

18          (2) “Religious matters” means matters relating to:

19          (A) religious affiliation;

20          (B) religious practice;

21          (C) the decision to join or support any religious or denominational

1 organization or institution; or

2 (D) any combination of subdivisions (A) through (C) of this

3 subdivision (g)(2).

4 Sec. 2. 21 V.S.A. § 1502 is amended to read:

5 § 1502. DEFINITIONS

6 As used in this chapter:

7 \* \* \*

8 (6) “Employee” includes any employee, and is not limited to the  
9 employees of a particular employer unless this chapter explicitly states  
10 otherwise, and includes any individual whose work has ceased as a  
11 consequence of, or in connection with, any current labor dispute or because of  
12 any unfair labor practice and who has not obtained any other regular and  
13 substantially equivalent employment, but does not include an individual;

14 (A) employed as an agricultural laborer;

15 (B) employed by ~~his or her~~ the individual’s parent or spouse;

16 (C) ~~employed in the domestic service of any family or person at his~~  
17 ~~or her home; [Repealed.]~~

18 (D) having the status of an independent contractor;

19 (E) employed as a supervisor;

20 (F) employed by an employer subject to the Railway Labor Act as  
21 ~~amended from time to time; or~~

1 (G) employed by any other person who is not an employer as defined  
2 in subdivision (7) of this section.

3 \* \* \*

4 Sec. 3. AGRICULTURAL WORKER LABOR AND EMPLOYMENT

5 LAWS; STUDY COMMITTEE; REPORT

6 (a) Creation. There is created the Agricultural Worker Labor and  
7 Employment Laws Study Committee to examine the application of Vermont’s  
8 labor relations and employment laws to agricultural workers in Vermont and to  
9 identify potential legislative action to provide additional coverage to  
10 agricultural workers under those laws.

11 (b) Membership. The Committee shall be composed of the following  
12 members:

13 (1) four current members of the House, not all from the same political  
14 party, appointed by the Speaker of the House, of whom two shall be members  
15 of the Committee on Agriculture, Food Resiliency, and Forestry and two shall  
16 be members of the Committee on General and Housing; and

17 (2) four current members of the Senate, not all from the same political  
18 party, appointed by the Committee on Committees, of whom two shall be  
19 members of the Committee on Agriculture and two shall be members of the  
20 Committee on Economic Development, Housing and General Affairs.

1        (c) Powers and duties. The Committee shall study how Vermont’s  
2        employment and labor relations laws apply to Vermont agricultural workers  
3        and identify potential legislative action to provide additional coverage to  
4        agricultural workers under those laws. In particular, the Committee shall:

5            (1) identify existing employment rights for agricultural workers under  
6        Vermont and federal law;

7            (2) identify Vermont and federal employment and collective bargaining  
8        laws that do not apply to some or all Vermont agricultural workers;

9            (3) identify laws in other states that provide employment or collective  
10       bargaining rights to agricultural workers that Vermont agricultural workers do  
11       not have;

12           (4) paying particular attention to states with agricultural economies  
13       similar to Vermont’s, examine the structure of collective bargaining rights for  
14       agricultural workers in other states that provide such rights, including  
15       coverage, certification of exclusive bargaining representatives, subjects for  
16       bargaining, procedures for resolving bargaining impasse, unfair labor practices,  
17       and costs related to organizing and contract negotiation for both employers and  
18       labor organizations;

19           (5) examine the structure of Vermont’s existing labor relations laws,  
20       including coverage, certification of exclusive bargaining representatives,  
21       subjects for bargaining, procedures for resolving bargaining impasse, unfair

1 labor practices, and costs related to organizing and contract negotiation for  
2 both employers and labor organizations;

3 (6) examine the capacity of the Vermont Labor Relations Board to  
4 administer collective bargaining in Vermont’s agricultural sector;

5 (7) develop a framework for agricultural collective bargaining in  
6 Vermont; and

7 (8) identify other potential changes to Vermont’s employment laws to  
8 provide additional rights and protections to agricultural workers.

9 (d) Assistance. The Committee shall have the administrative assistance of  
10 the Office of Legislative Operations, the fiscal assistance of the Joint Fiscal  
11 Office, and the legal assistance of the Office of Legislative Counsel.

12 (e) Report.

13 (1) On or before December 15, 2024, the Committee shall submit a  
14 written report to the General Assembly with its findings and recommendations  
15 for legislative action.

16 (2) The report shall include a proposal for permitting agricultural  
17 workers to collectively bargain. The proposal shall specifically address:

18 (A) whether to provide for collective bargaining by agricultural  
19 workers under the State Labor Relations Act or in a separate agricultural  
20 workers’ labor relations act;

21 (B) the minimum size of agricultural employer to be covered;



1           (C) whether, and if so how, to differentiate between covered  
2           employers based on their size;

3           (D) the minimum number of employees who may form a bargaining  
4           unit;

5           (E) how to address seasonal, migratory, and temporary workers;

6           (F) procedures for selecting and certifying an exclusive  
7           representative for a bargaining unit;

8           (G) mandatory subjects for bargaining;

9           (H) procedures for resolving bargaining impasses, including whether  
10          to permit strikes or contract imposition;

11          (I) unfair labor practices;

12          (J) the role, if any, of the Vermont Labor Relations Board in  
13          administering the proposed law;

14          (K) whether to provide State resources to assist parties during the  
15          process of determining a bargaining unit, certifying an exclusive representative  
16          for a bargaining unit, negotiating a contract, and resolving a bargaining  
17          impasse; and

18          (L) any other issues the Committee deems to be appropriate.

19          (3) The report shall also include a recommendation for any other  
20          legislative action to amend Vermont’s employment laws in relation to  
21          agricultural workers that the Committee deems to be appropriate.

1           (f) Meetings.

2                 (1) The Chair of the House Committee on Agriculture, Food Resiliency,  
3           and Forestry shall call the first meeting of the Committee to occur on or before  
4           September 6, 2024.

5                 (2) The Committee shall select a chair from among its members at the  
6           first meeting.

7                 (3) A majority of the membership shall constitute a quorum.

8                 (4) The Committee shall cease to exist on December 31, 2024.

9           (g) Compensation and reimbursement. For attendance at meetings during  
10           adjournment of the General Assembly, a legislative member of the Committee  
11           shall be entitled to per diem compensation and reimbursement of expenses  
12           pursuant to 2 V.S.A. § 23 for not more than six meetings. These payments  
13           shall be made from monies appropriated to the General Assembly.

14           Sec. 4. 3 V.S.A. § 941 is amended to read:

15           § 941. UNIT DETERMINATION, CERTIFICATION, AND

16                         REPRESENTATION

17   \* \* \*

18           (e)(1) Whenever, on the basis of a petition pursuant to subdivision (d)(1) of  
19           this section or a hearing pursuant to subdivision (d)(2) of this section, the  
20           Board finds substantial interest among employees in forming a bargaining unit  
21           or being represented for purposes of collective bargaining, a secret ballot

1 election shall be conducted by the Board not more than 23 business days after  
2 the petition is filed with the Board except as otherwise provided pursuant to  
3 subdivision (4) of this subsection and subdivision (g)(4) of this section.

4 \* \* \*

5 (g)(1) In determining the representation of State employees in a collective  
6 bargaining unit, the Board shall conduct a secret ballot of the employees within  
7 the time period set forth in subdivision (e)(1) of this section, unless the time to  
8 conduct the election is extended pursuant to subdivision (e)(4) of this section,  
9 and certify the results to the interested parties and to the State employer. The  
10 original ballot shall be so prepared as to permit a vote against representation by  
11 anyone named on the ballot. No representative will be certified with less than  
12 a majority of the votes cast by employees in the bargaining unit.

13 \* \* \*

14 (4)(A) Notwithstanding any other provision of this subsection (g), if the  
15 Board determines that a petition to be represented for collective bargaining  
16 filed pursuant to subsection (c) of this section, which identifies a proposed  
17 exclusive representative of the employees in the bargaining unit, bears the  
18 signatures of at least 50 percent plus one of the employees in a bargaining unit  
19 deemed appropriate by the Board pursuant to this section, the Board shall  
20 certify the person or labor organization as the exclusive representative of the  
21 bargaining unit.



1 ~~intention to waive a referendum and recognize an organization, 10 percent of~~  
2 ~~the teachers or administrators employed by the school board may submit a~~  
3 ~~petition within 15 calendar days thereafter, objecting to the granting of~~  
4 ~~recognition without a referendum, in which event a secret ballot referendum~~  
5 ~~shall be held in the district for the purpose of choosing an exclusive~~  
6 ~~representative as provided pursuant to the provisions of this section. The~~  
7 ~~school board and the organization purporting to represent a majority of the~~  
8 ~~teachers or administrators shall, within 10 business days after the petition is~~  
9 ~~submitted, agree on an impartial third party to examine the petition and~~  
10 ~~determine whether a majority of the teachers or administrators support the~~  
11 ~~organization. If the parties fail to agree on an impartial third party within~~  
12 ~~10 business days, the Vermont Labor Relations Board shall examine the~~  
13 ~~petition and determine whether a majority of the teachers or administrators~~  
14 ~~support the organization. If the impartial party or the Board determines that a~~  
15 ~~majority of the teachers or administrators support the organization, it shall~~  
16 ~~certify the organization as the exclusive representative of the teachers or~~  
17 ~~administrators.~~

18 \* \* \*

19 (b) ~~Recognition granted to~~ Certification of a negotiating unit as exclusive  
20 representative shall be valid and not subject to challenge by referendum  
21 petition or otherwise for the remainder of the fiscal year in which ~~recognition~~

1 ~~is granted~~ the certification occurs and for an additional period of 12 months  
2 after final adoption of the budget for the succeeding fiscal year and shall  
3 continue thereafter until a new referendum is called for.

4 (c)(1)(A) A secret ballot referendum shall be held not more than 21  
5 calendar days after 20 percent of the teachers or administrators employed by  
6 the school board present a petition requesting a referendum on the matter of  
7 representation, except during a period of prior ~~recognition~~ certification, as  
8 provided pursuant to subsection (b) of this section.

9 \* \* \*

10 Sec. 6. 21 V.S.A. § 1581 is amended to read:

11 § 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,  
12 HEARINGS, DETERMINATIONS

13 \* \* \*

14 (b)(1) The Board shall investigate the petition and if it has reasonable cause  
15 to believe that a question of representation exists shall provide for an  
16 appropriate hearing before the Board itself, a Board member ~~thereof~~, or its  
17 agents appointed for that purpose upon due notice. Written notice of the  
18 hearing shall be mailed by certified mail to the parties named in the petition  
19 not less than seven days before the hearing.

20 (2) If the Board finds upon the record of the hearing that a question of  
21 representation exists, it shall conduct an election by secret ballot marked at the

1 place of election and certify to the parties, in writing, the results ~~thereof~~ of the  
2 election.

3 (3)(A) If the Board finds upon the record of the hearing that a petition to  
4 be represented for collective bargaining filed pursuant to subdivision (a)(1)(A)  
5 of this section, which identifies a proposed bargaining representative, bears the  
6 signatures of at least 50 percent plus one of the employees in the bargaining  
7 unit, the Board shall certify the individual or labor organization identified as  
8 the bargaining representative.

9 (B) Certification of a representative shall only be available pursuant  
10 to this subdivision (B) when no other individual or labor organization is  
11 currently certified or recognized as the bargaining representative.

12 (c) In determining whether or not a question of representation exists, ~~it~~ the  
13 Board shall apply the same regulations and rules of decision regardless of the  
14 identity of the persons filing the petition or the kind of relief sought.

15 \* \* \*

16 Sec. 7. 21 V.S.A. § 1584 is amended to read:

17 § 1584. PETITIONS AND ELECTION TO RESCIND

18 REPRESENTATIVE'S AUTHORITY

19 \* \* \*

20 (b) No election ~~may~~ shall be conducted under this section in a bargaining  
21 unit or a subdivision within which in the preceding 12 months a valid election

1 or certification of a representative pursuant to this subchapter ~~has been held~~  
2 occurred.

3 Sec. 8. 21 V.S.A. § 1724 is amended to read:

4 § 1724. CERTIFICATION PROCEDURE

5 \* \* \*

6 (e)(1) ~~In~~ Except as otherwise provided pursuant to subsection (h) of this  
7 section, in determining the representation of municipal employees in a  
8 collective bargaining unit, the Board shall conduct an election by secret ballot  
9 of the employees and certify the results to the interested parties and to the  
10 employer. The election shall be held not more than 23 business days after the  
11 petition is filed with the Board except as otherwise provided pursuant to  
12 subdivision (4) of this subsection.

13 \* \* \*

14 (h)(1) Notwithstanding subsections (e)–(g) of this section, if following its  
15 investigation pursuant to subsection (b) of this section the Board determines  
16 that a petition to be represented for collective bargaining filed pursuant to  
17 subsection (a) of this section, which identifies a proposed bargaining agent,  
18 bears the signatures of at least 50 percent plus one of the employees in the  
19 bargaining unit, the Board shall certify the individual or labor organization  
20 identified as the bargaining agent.

21 (2) Certification of a bargaining agent shall only be available pursuant to



1 this subsection when no other individual or labor organization is currently  
2 certified or recognized as the agent of the employees in the bargaining unit.

3 (i) No election ~~may~~ shall be conducted under this section in a bargaining  
4 unit or a subdivision within which in the preceding 12 months a valid election  
5 has been held.

6 Sec. 9. EFFECTIVE DATE

7 This act shall take effect on July 1, 2024.

8

9

10

11

12

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14

15 (Committee vote: \_\_\_\_\_)

16

\_\_\_\_\_

17

Representative \_\_\_\_\_

18

FOR THE COMMITTEE