

1 H.239

2 Introduced by Representatives McCann of Montpelier, Casey of Montpelier,
3 Cordes of Bristol, Hooper of Burlington, Logan of Burlington,
4 McGill of Bridport, Pouech of Hinesburg, and Priestley of
5 Bradford

6 Referred to Committee on

7 Date:

8 Subject: Executive; classification of State personnel; State Employees Labor
9 Relations Act; Judiciary Employees Labor Relations Act; temporary
10 State employees

11 Statement of purpose of bill as introduced: This bill proposes to establish
12 certain rights for temporary State employees and to permit long-term
13 temporary State employees to collectively bargain.

14 An act relating to temporary State employees

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 3 V.S.A. § 331 is amended to read:

17 § 331. TEMPORARY EMPLOYEES

18 * * *

19 (f)(1) An individual employed in a temporary or seasonal capacity shall

1 University of Vermont, the State’s Attorneys’ offices, or as a full-time deputy
2 sheriff paid by the State pursuant to 24 V.S.A. § 290(b), including permanent
3 part-time employees, and an individual whose work has ceased as a
4 consequence of, or in connection with, any current labor dispute or because of
5 any unfair labor practice, but excluding an individual:

6 (A) exempt or excluded from the State classified service under the
7 provisions of section 311 of this title, except that the following types of
8 employees are included within the meaning of “State employee”:

9 (i) State Police in the Department of Public Safety;

10 (ii) employees of the Defender General, excluding attorneys
11 employed directly by the Defender General and attorneys contracted to provide
12 legal services;

13 (iii) deputy State’s Attorneys;

14 (iv) employees of State’s Attorneys’ offices; ~~and~~

15 (v) full-time deputy sheriffs paid by the State pursuant to 24
16 V.S.A. § 290(b) ~~are included within the meaning of “State employee”~~; and

17 (vi) individuals employed in temporary or intermittent positions
18 who work more than 1,280 hours per year in one or more such positions for a
19 period of two years, or who are designated as temporary employees but whose
20 employment does not comply with the requirements of subsection 331(b) of
21 this title;

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Sec. 3. 3 V.S.A. § 1011 is amended to read:

§ 1011. DEFINITIONS

As used in this chapter:

* * *

(8) “Employee,” means any individual employed and compensated on a permanent or limited status basis by the Judiciary Department, including permanent part-time employees and any individual whose employment has ceased as a consequence of, or in connection with, any current labor dispute or because of an unfair labor practice. “Employee” does not include any of the following:

* * *

(E) an individual employed on a temporary, contractual, seasonal, or on-call basis, including an intern, provided that:

(i) the individual was hired to:

(I) temporarily replace an employee on vacation, medical leave, or another leave of absence;

(II) accommodate peak or increased workloads; or

(III) replace or supplement permanent employees working on special assignments or projects not normally included in the duties of permanent employees; and

