

H. 63 Fair Employment Practices/Legislative Leave

This bill proposes to require that an employer continue a legislator's employment benefits during a legislative leave at the same level and rate of contribution as when the legislator is not on leave. The bill incorporates current language contained in Vermont's Parental Leave law. It also includes a non-retaliation provision to the current statute.

Existing statutory language

"Any employee who, in order to serve as a member of the General Assembly, must leave a full-time position in the employ of any employer; shall be entitled to a temporary or partial leave of absence for the purpose of allowing the employee to perform any official duty in connection with the employee's elected office. The leave of absence shall not cause loss of job status, seniority, or the right to participate in insurance and other employee benefits during the leave of absence."

The language in **this bill** has been lifted from the PFLA, Vermont's Parental Leave Law, requiring that the continuation of benefits be *at the existing rate of the employee contribution* while the employee is out on leave. As such, employees on legislative leave would be able to continue to pay the same amount of premium as they would have paid had they continued to work full-time.

As many of you know, I'm a public school teacher. My family and I depend on the healthcare benefit afforded to me through my employer and negotiated on my behalf at the state level, for my commitment to educating Vermont's greatest resource. Health insurance is one of those funny things where you don't know how much you need it...until you need it. Just two weeks before I was first elected in November 2022, I was diagnosed with stage 4 colon cancer. Today I'm cancer free, but that is in large part to the fact that with Blue Cross Blue Shield of VT I was considered in-network at Memorial Sloan Kettering. Between the team there and my body's remarkable reaction to systemic and targeted treatment, I was tumor and cancer free a year later. To serve in the legislature, I have gone from 1.0 FTE to 0.75 FTE which translates to paying twice as much for my contribution to the premium, from 20% to 40% of the overall cost of my family's health plan. In contrast, state employees who serve in the legislature maintain paying their negotiated 20% to the cost of the premium. This bill would bring some consistency and fairness while making it a little easier for public servants to run and serve in office.

Current statute seems to be interpreted differently between the State Retirement office and my district's human resources department.

From a June 2024 email from Vermont State Retirement System, "As long as (I am) serving, the school district should be notifying (them) that (my) partial credit is due to a legislative leave of absence and (I) will be made whole for each year."

My employer does not seem to read current statute the same way. I am only accruing 0.75 FTE for each year that I have taken leave to serve in my elected capacity. They seem to be leaning on language in our collective bargaining agreement that states "*Seniority will continue to accrue during all paid leaves of absence. Seniority will not be broken by unpaid leaves of absence, or*

H. 63 Fair Employment Practices/Legislative Leave

by layoff, but such time will not be counted in computing seniority. Part-time teachers will accrue seniority on a pro-rate basis.” Not only does their interpretation of current statute affect my seniority, it also affects my job status should I return full time to the classroom.

So, this bill aims to do 2 things:

- First, to clarify existing language regarding accruing seniority during legislative leave
- Second, to incorporate language from Vermont’s Parental Leave law requiring that the continuation of benefits be *at the existing rate of the employee contribution* while the employee is out on leave.