

1 Introduced by Senator Ram Hinsdale

2 Referred to Committee on

3 Date:

4 Subject: Executive; State Employees Labor Relations Act; Judiciary

5 Employees Labor Relations Act; collective bargaining rights;

6 decertification procedures

7 Statement of purpose of bill as introduced: This bill proposes to allow
8 Assistant Attorneys General and judiciary supervisors to organize and bargain
9 collectively, to update decertification provisions under the State Employees
10 Labor Relations, and to appropriate additional funding to increase staffing at
11 the Vermont Labor Relations Board.

12 An act relating to labor relations

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

14 Sec. 1. 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

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

5 (A) exempt or excluded from the State classified service under the
6 provisions of section 311 of this title, except that the State Police in the
7 Department of Public Safety; employees of the Defender General, excluding
8 attorneys employed directly by the Defender General and attorneys contracted
9 to provide legal services; deputy State’s Attorneys; Assistant Attorneys
10 General; employees of State’s Attorneys’ offices; and full-time deputy sheriffs
11 paid by the State pursuant to 24 V.S.A. § 290(b) are included within the
12 meaning of “State employee”;

13 * * *

14 Sec. 2. 3 V.S.A. § 941 is amended to read:

15 § 941. UNIT DETERMINATION, CERTIFICATION, AND
16 REPRESENTATION

17 * * *

18 (c)(1) A petition may be filed with the Board, in accordance with
19 procedures prescribed by the Board by an employee or group of employees, or
20 any individual or employee organization purporting to act on their behalf,
21 alleging by filing a petition or petitions bearing signatures of not less than 30

1 percent of the employees that they wish to form a bargaining unit and be
2 represented for collective bargaining, ~~or that the individual or employee~~
3 ~~organization currently certified as the bargaining agent is no longer supported~~
4 ~~by at least 51 percent of the employees in the bargaining unit,~~ or that they are
5 now included in an approved bargaining unit and wish to form a separate
6 bargaining unit under Board criteria for purposes of collective bargaining. The
7 employee, group of employees, individual, or employee organization that files
8 the petition, shall, at the same time that the petition is filed with the Board,
9 provide a copy of the petition to the employer and, if appropriate, the current
10 bargaining agent.

11 (2) A petition may be filed with the Board, in accordance with
12 procedures prescribed by the Board, by an employee or group of employees, or
13 any individual or employee organization purporting to act on their behalf,
14 alleging by filing a petition or petitions bearing signatures of not less than 50
15 percent plus one of the employees that the individual or employee organization
16 currently certified as the bargaining agent is no longer supported by at least 51
17 percent of the employees in the bargaining unit. The employee, group of
18 employees, individual, or employee organization that files the petition shall, at
19 the same time that the petition is filed with the Board, provide a copy of the
20 petition to the employer and, if appropriate, the current bargaining agent.

1 (3)(A)(i) An employer shall, not more than seven business days after
2 receiving a copy of the petition, file any objections to the appropriateness of
3 the proposed bargaining unit and raise any other unit determination issues with
4 the Board and provide a copy of the filing to the employee, group of
5 employees, individual, or employee organization that filed the petition.

6 (ii) A hearing shall be held before the Board pursuant to
7 subdivision (d)(1)(B) of this section in the event the employer challenges the
8 appropriateness of the proposed bargaining unit, provided that a hearing shall
9 not be held if the parties stipulate to the composition of the appropriate
10 bargaining unit and resolve any other unit determination issues before the
11 hearing.

12 (iii) The Board may endeavor to informally mediate any dispute
13 regarding the appropriateness of the proposed bargaining unit prior to the
14 hearing.

15 (B)(i) Within five business days after receiving a copy of the petition,
16 the employer shall file with the Board and the employee or group of
17 employees, or the individual or employee organization purporting to act on
18 their behalf, a list of the names and job titles of the employees in the proposed
19 bargaining unit. To the extent possible, the list of employees shall be in
20 alphabetical order by last name and provided in electronic format.

1 (ii) An employee or group of employees, or any person purporting
2 to act on their behalf, that is seeking to demonstrate that the current bargaining
3 agent is no longer supported by at least 51 percent of the employees in the
4 bargaining unit shall not be entitled to obtain a list of the employees in the
5 bargaining unit from the employer pursuant to this subdivision ~~(c)(2)~~(3)(B),
6 but may obtain a list pursuant to subdivision (e)(3) of this section after the
7 Board has investigated its petition and determined that a secret ballot election
8 shall be conducted.

9 (iii) The list shall be kept confidential and shall be exempt from
10 copying and inspection under the Public Records Act.

11 (d) The Board, a Board member, or a person or persons designated by the
12 Board shall investigate the petition and do one of the following:

13 (1) Determine that the petition has made a sufficient showing of interest
14 pursuant to subdivision (c)(1) and (2) of this section.

15 * * *

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

17 § 1011. DEFINITIONS

18 As used in this chapter:

19 * * *

20 (8) “Employee,” means any individual employed and compensated on a
21 permanent or limited status basis by the Judiciary Department, including

1 permanent part-time employees and any individual whose employment has
2 ceased as a consequence of, or in connection with, any current labor dispute or
3 because of an unfair labor practice. “Employee” does not include any of the
4 following:

5 (A) a Justice, judge, assistant judge, magistrate, or hearing officer;

6 (B) the Court Administrator;

7 (C) a managerial,~~supervisory~~, or confidential employee;

8 (D) a law clerk, attorney, or administrative assistant or private
9 secretary to a judge, Justice, or Court Administrator;

10 (E) an individual employed on a temporary, contractual, seasonal, or
11 on-call basis, including an intern;

12 (F) an employee during the initial or extended probationary period;

13 (G) the head of a department or division;

14 (H) [Repealed.]

15 (I) an attorney for the Supreme Court, for the Court Administrator, or
16 for any board or commission created by the Supreme Court;

17 (J) an employee paid by the State who is appointed part-time as
18 county clerk pursuant to 4 V.S.A. § 651 or 691;

19 (K) an employee who, after hearing by the Board upon petition of
20 any individual, the employer, or a collective bargaining unit, is determined to

1 be in a position that is sufficiently inconsistent with the spirit and intent of this
2 chapter to warrant exclusion.

3 * * *

4 Sec. 4. VERMONT LABOR RELATIONS BOARD; APPROPRIATION

5 In fiscal year 2026, \$250,000.00 is appropriated from the General Fund to
6 the Labor Relations Board to increase staffing.

7 Sec. 5. EFFECTIVE DATE

8 This act shall take effect on July 1, 2025.