

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General and Housing to which was referred Senate Bill
3 No. 125 entitled “An act relating to workers’ compensation and collective
4 bargaining rights” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. [Deleted.]

9 Sec. 2. [Deleted.]

10 Sec. 3. [Deleted.]

11 Sec. 4. [Deleted.]

12 * * * Labor Relations * * *

13 Sec. 5. 3 V.S.A. § 1011 is amended to read:

14 § 1011. DEFINITIONS

15 As used in this chapter:

16 * * *

17 (8) “Employee,” means any individual employed and compensated on a
18 permanent or limited status basis by the Judiciary Department, including
19 permanent part-time employees and any individual whose employment has
20 ceased as a consequence of, or in connection with, any current labor dispute or

1 because of an unfair labor practice. “Employee” does not include any of the
2 following:

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

4 (B) the Court Administrator;

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

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

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

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

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

12 (H) [Repealed.]

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

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

17 (K) an employee who, after hearing by the Board upon petition of
18 any individual, the employer, or a collective bargaining unit, is determined to
19 be in a position that is sufficiently inconsistent with the spirit and intent of this
20 chapter to warrant exclusion.

21 * * *

1 alleging by filing a petition or petitions bearing signatures of not less than 50
2 percent plus one of the employees that the individual or employee organization
3 currently certified as the bargaining agent is no longer supported by a majority
4 of the employees in the bargaining unit. The employee, group of employees,
5 individual, or employee organization that files the petition shall, at the same
6 time that the petition is filed with the Board, provide a copy of the petition to
7 the employer and, if appropriate, the current bargaining agent.

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

13 * * *

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

16 (1) Determine that the petition has made a sufficient showing of interest
17 pursuant to ~~subdivision~~ subdivisions (c)(1) and (2) of this section.

18 * * *

19 ~~* * * State Construction Projects * * *~~

20 Sec. 5b. [Deleted.]

1 Sec. 5c. 3 V.S.A. § 1021 is amended to read:

2 § 1021. UNIT DETERMINATION; CERTIFICATION

3 (a) The Board shall determine issues of unit determination, certification,
4 decertification, and representation in accordance with this chapter and the
5 provisions of section 941 of this title. The Board shall decide the appropriate
6 unit for collective bargaining in each case and the employees to be included in
7 that unit to assure the employees the fullest freedom in exercising the rights
8 guaranteed by this chapter.

9 * * *

10 Sec. 5d. 16 V.S.A. § 1992 is amended to read:

11 § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

12 * * *

13 (b) Certification of a negotiating unit as exclusive representative shall be
14 valid and not subject to challenge by referendum petition or otherwise for the
15 remainder of the fiscal year in which the certification occurs and for an
16 additional period of 12 months after final adoption of the budget for the
17 succeeding fiscal year and shall continue thereafter until a new referendum is
18 called for. An organization or group of teachers or administrators, or any
19 person purporting to act on their behalf, shall submit a petition bearing
20 signatures of not less than 50 percent plus one of the individuals currently in
21 the bargaining unit alleging that the current exclusive representative of the

1 teachers or administrators is no longer supported by a majority of the teachers
2 or administrators employed by that school board. A copy of the petition shall
3 be provided to the current bargaining agent at the same time as the petition is
4 submitted to the school board.

5 * * *

6 Sec. 5e. 21 V.S.A. §§ 1581 and 1584 are amended to read:

7 § 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,
8 HEARINGS, DETERMINATIONS

9 (a) A petition may be filed with the Board, in accordance with rules
10 adopted by the Board:

11 (1) ~~By~~ by an employee or group of employees, or any individual or
12 labor organization acting in their behalf, alleging that not less than 30 percent
13 of the employees:

14 ~~(A)~~ wish to be represented for collective bargaining and that their
15 employer declines to recognize their representative as the representative
16 defined in section 1583 of this title; ~~or~~

17 ~~(2)(B)~~ by an employee or group of employees, or any individual or labor
18 organization acting on their behalf, alleging that not less than 50 percent plus
19 one of the employees assert that the individual or labor organization that has
20 been certified, or is being currently recognized by their employer as the

1 bargaining representative, is no longer a representative as defined in section
2 1583 of this title; or

3 ~~(2)~~(3) By by an employer, alleging that one or more individuals or labor
4 organizations have presented to him or her a claim to be recognized as the
5 representative defined in section 1583 of this title.

6 * * *

7 § 1584. PETITIONS AND ELECTION TO RESCIND

8 REPRESENTATIVE'S AUTHORITY

9 (a) When ~~30~~ 50 percent plus one or more of the employees in a bargaining
10 unit covered by an agreement between their employer and a labor organization
11 requiring membership in a labor organization as a condition of employment
12 file a petition alleging that they desire that the authority of the labor
13 organization to make such an agreement be rescinded, the Board shall take a
14 secret ballot of the employees in such unit and certify the results thereof, in
15 writing, to the labor organization and to the employer.

16 (b) No election shall be conducted under this section in a bargaining unit or
17 a subdivision within which in the preceding 12 months a valid election or
18 certification of a representative pursuant to this subchapter has occurred.

19 Sec. 5f. 21 V.S.A. § 1724 is amended to read:

20 § 1724. CERTIFICATION PROCEDURE

1 (a)(1) A petition may be filed with the Board, in accordance with rules
2 adopted by the Board:

3 (A) By an employee or group of employees, or any individual or
4 employee organization purporting to act on their behalf, alleging that not less
5 than 30 percent of the employees wish to form a bargaining unit and be
6 represented for collective bargaining, ~~or assert that the individual or employee~~
7 ~~organization currently certified as bargaining agent is no longer supported by~~
8 ~~at least 51 percent of the employees in the bargaining unit,~~ or that not less than
9 51 percent of the employees now included in an approved bargaining unit wish
10 to form a separate bargaining unit under Board criteria for purposes of
11 collective bargaining. The employee, group of employees, individual, or
12 employee organization that files the petition shall, at the same time that the
13 petition is filed with the Board, provide a copy of the petition to the employer
14 and, if appropriate, the current bargaining agent.

15 (B) By the employer alleging that the presently certified bargaining
16 unit is no longer appropriate under Board criteria. The employer shall provide
17 a copy of the petition to the current bargaining agent at the same time that the
18 petition is filed with the Board.

19 (C) By an employee or group of employees, or any individual or
20 employee organization purporting to act on their behalf, alleging that a
21 majority of the employees in the bargaining unit no longer support the

1 individual or employee organization currently certified as the bargaining agent.
2 The petition shall bear signatures of not less than 50 percent plus one of the
3 employees in the presently certified bargaining unit. The employee, group of
4 employees, individual, or employee organization that files the petition shall, at
5 the same time that the petition is filed with the Board, provide a copy of the
6 petition to the employer and, if appropriate, the current bargaining agent.

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

12 (ii) A hearing shall be held before the Board pursuant to
13 subdivision (d)(1)(B) of this section in the event the employer challenges the
14 appropriateness of the proposed bargaining unit, provided that a hearing shall
15 not be held if the parties stipulate to the composition of the appropriate
16 bargaining unit and resolve any unit determination issues before the hearing.

17 (iii) The Board may endeavor to informally mediate any dispute
18 regarding the appropriateness of the proposed bargaining unit prior to the
19 hearing.

20 (B)(i) Within five business days after receiving a copy of the petition,
21 the employer shall file with the Board and the employee or group of

1 employees, or the individual or employee organization purporting to act on
2 their behalf, a list of the names and job titles of the employees in the proposed
3 bargaining unit. To the extent possible, the list of employees shall be in
4 alphabetical order by last name and provided in electronic format.

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

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

15 * * *

16 (b) The Board, a Board member, or a person or persons designated by the
17 Board shall investigate the petition and do one of the following:

18 (1) Determine that the petition has made a sufficient showing of interest
19 pursuant to ~~subdivision~~ subdivisions (a)(1)(A) and (C) of this section.

20 (2)(A) If it finds reasonable cause to believe that a question of unit
21 determination or representation exists, the Board shall schedule a hearing to be

1 held before the Board not more than ~~ten~~ 10 business days after the petition was
2 filed with the Board.

3 * * *

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

11 (2) The original ballot shall permit a vote against representation by
12 anyone named on the ballot. No representative will be certified with less than
13 a ~~51 percent affirmative vote~~ majority of all votes cast. If it is asserted that the
14 certified bargaining agent is no longer supported by at least ~~51~~ 50 percent plus
15 one of the employees in the bargaining unit and there is no attempt to seek the
16 election of another employee organization or individual as bargaining
17 representative, there shall be at least ~~51 percent negative vote~~ a majority of all
18 votes cast to decertify the existing bargaining agent.

19 * * *

20 Sec. 5g. 21 V.S.A. § 1635 is amended to read:

21 § 1635. ELECTION; BARGAINING UNIT

1 (a) ~~Petitions~~ Certification and decertification petitions and elections shall
2 be conducted pursuant to the procedures provided in 3 V.S.A. §§ 941 and 942,
3 except that only one bargaining unit shall exist for independent direct support
4 providers, and the exclusive representative shall be the exclusive representative
5 for the purpose of grievances.

6 * * *

7 Sec. 5h. 33 V.S.A. § 3607 is amended to read:

8 § 3607. PETITIONS FOR ELECTION; FILING; INVESTIGATIONS;
9 HEARINGS; DETERMINATIONS

10 (a) A petition may be filed with the Board in accordance with rules
11 prescribed by the Board:

12 (1) By an early care and education provider or group of providers or any
13 individual or labor organization acting on the providers' behalf:

14 (A) ~~alleging~~ Alleging that not less than 30 percent of the providers in
15 the petitioned bargaining unit wish to be represented for collective bargaining
16 and that the State declines to recognize their representative as the
17 representative defined in this chapter; ~~or~~.

18 (B) ~~asserting~~ Asserting that the labor organization that has been
19 certified as the bargaining representative no longer represents a majority of
20 early care and education providers. The petition alleging that the labor
21 organization is no longer supported by a majority of the providers shall bear

1 signatures of not less than 50 percent plus one of the providers in the
2 bargaining unit.

3 (2) By the State alleging that one or more individuals or labor
4 organizations have presented a claim to be recognized as the exclusive
5 representative defined in this chapter.

6 * * *

7 * * * Effective Date * * *

8 Sec. 6. EFFECTIVE DATE

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

10 and that after passage the title of the bill be amended to read: “An act relating
11 to collective bargaining”

12

13

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15

16

17

18 (Committee vote: _____)

19

20

Representative _____

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FOR THE COMMITTEE