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H.369

Introduced by Representatives Hubert of Milton, Batchelor of Derby,  
Branagan of Georgia, Cole of Burlington, Graham of  
Williamstown, Juskiewicz of Cambridge, Komline of Dorset,  
LaClair of Barre Town, Lewis of Berlin, Martel of Waterford,  
Shaw of Derby, Strong of Albany, and Viens of Newport City

Referred to Committee on

Date:

Subject: Labor relations for teachers and administrators; municipal labor  
relations; subjects for bargaining; health insurance; Vermont Health  
Benefit Exchange

Statement of purpose of bill as introduced: This bill proposes to remove health  
insurance benefits from the subjects for bargaining for teachers, administrators,  
and other school employees that are subject to a collective bargaining  
agreement. It would direct qualified school employers that wish to offer health  
insurance coverage to their employees to purchase plans through the Vermont  
Health Benefit Exchange and would specify that school employers may  
purchase only health insurance plans that are not subject to the federal excise  
tax on high-cost, employer-sponsored health coverage.

1           An act relating to health care and labor relations for school employees

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

3           Sec. 1. 16 V.S.A. § 2004 is amended to read:

4           § 2004. AGENDA

5           (a) The school board, through its negotiations council, shall, upon request,  
6           negotiate with representatives of the teachers' or administrators' organization  
7           negotiations council on matters of salary, related economic conditions of  
8           employment, the manner in which it will enforce an employee's obligation to  
9           pay the agency service fee, procedures for processing complaints and  
10          grievances relating to employment, and any mutually agreed upon matters not  
11          in conflict with the statutes and laws of the State of Vermont.

12          (b) As used in this section, the terms "salary" and "related economic  
13          conditions of employment" shall not include medical benefits or health  
14          insurance. Medical benefits and health insurance shall not be a subject of  
15          collective bargaining under this chapter. If a school board elects to provide  
16          health insurance coverage for teachers and administrators, it shall purchase  
17          health insurance coverage as provided under section 2011 of this title.

1 Sec. 2. 16 V.S.A. § 2011 is added to read:

2 § 2011. HEALTH INSURANCE FOR TEACHERS AND  
3 ADMINISTRATORS

4 (a) A school board that elects to provide health insurance coverage for its  
5 employees shall purchase plans offered through the Vermont Health Benefit  
6 Exchange if the school district is a qualified employer under 33 V.S.A. § 1804.

7 (b) A school board that elects to provide health insurance coverage for its  
8 employees may purchase only health insurance plans that are not subject to the  
9 excise tax imposed pursuant to 26 U.S.C. § 4980I.

10 Sec. 3. 21 V.S.A. § 1722 is amended to read:

11 § 1722. DEFINITIONS

12 As used in this chapter:

13 \* \* \*

14 (12) “Municipal employee” means any employee of a municipal  
15 employer, including a municipal school employee or a professional employee  
16 as defined in subdivision 1502(11) of this title, except:

17 \* \* \*

18 (17) “Wages, hours, and other conditions of employment” means any  
19 condition of employment directly affecting the economic circumstances,  
20 health, safety, or convenience of employees but excluding matters of  
21 managerial prerogative as defined in this section. For collective bargaining

1 related to municipal school employees, “wages, hours, and other conditions of  
2 employment” shall not include medical benefits or health insurance.

3 \* \* \*

4 (21) “Municipal school employee” means an employee of a supervisory  
5 district or supervisory union that is not otherwise subject to 16 V.S.A.  
6 chapter 57 (labor relations for teachers and administrators).

7 Sec. 4. 21 V.S.A. § 1725 is amended to read:

8 § 1725. COLLECTIVE BARGAINING PROCEDURE

9 (a)(1) For the purpose of collective bargaining, the representatives of the  
10 municipal employer and the bargaining unit shall meet at any reasonable time  
11 and shall bargain in good faith with respect to wages, hours, and conditions of  
12 employment, and shall execute a written contract incorporating any agreement  
13 reached; provided, however, that neither party shall be compelled to agree to a  
14 proposal nor to make a concession, nor to bargain over any issue of managerial  
15 prerogative.

16 (2) For purposes of collective bargaining related to municipal school  
17 employees, “wages, hours, and conditions of employment” shall not include  
18 medical benefits or health insurance. Medical benefits and health insurance  
19 shall not be a subject of collective bargaining for municipal school employees  
20 under this chapter. If a municipal employer elects to provide health insurance

1 coverage for municipal school employees, it shall purchase health insurance  
2 coverage as provided in section 1737 of this title.

3 \* \* \*

4 Sec. 4. 21 V.S.A. § 1737 is added to read:

5 § 1737. HEALTH INSURANCE FOR MUNICIPAL SCHOOL

6 EMPLOYEES

7 (a) A municipal employer that elects to provide health insurance coverage  
8 for its municipal school employees shall purchase plans offered through the  
9 Vermont Health Benefit Exchange if the municipal employer is a qualified  
10 employer under 33 V.S.A. § 1804.

11 (b) A municipal employer that elects to provide health insurance coverage  
12 for its municipal school employees may purchase only health insurance plans  
13 that are not subject to the excise tax imposed pursuant to 26 U.S.C. § 4980I.

14 Sec. 5. EFFECTIVE DATE

15 This act shall take effect on passage and shall apply to all contract  
16 negotiations that begin on or after the effective date of this act.