

1 H.700

2 Introduced by Representatives Donovan of Burlington, Anthony of Barre City,  
3 Cina of Burlington, Colburn of Burlington, Cordes of Lincoln,  
4 Gardner of Richmond, Gonzalez of Winooski, Howard of  
5 Rutland City, Macaig of Williston, Squirrell of Underhill,  
6 Stevens of Waterbury, Sullivan of Burlington, Till of Jericho,  
7 Troiano of Stannard, Walz of Barre City, and Yantachka of  
8 Charlotte

9 Referred to Committee on

10 Date:

11 Subject: Executive; education; labor; human services; collective bargaining;  
12 employment practices; good cause employment

13 Statement of purpose of bill as introduced: This bill proposes to require  
14 employers to provide employee contact information in relation to an effort to  
15 organize a collective bargaining unit; to provide for the automatic deduction of  
16 union dues from members' paychecks; to permit unions to meet with new  
17 employees for the purpose of providing them with information regarding union  
18 membership; to prohibit recipients of State grant funds from interfering with  
19 union organizing efforts; and to establish a good cause standard for termination  
20 of employment in Vermont.

1       An act relating to union organizing and requiring good cause for  
2       termination of employment

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

4                       \* \* \* Bargaining Unit Contact Information \* \* \*

5       Sec. 1. 3 V.S.A. § 941 is amended to read:

6       § 941. UNIT DETERMINATION, CERTIFICATION, AND  
7                       REPRESENTATION

8   \* \* \*

9       (c) A petition may be filed with the Board, in accordance with procedures  
10       prescribed by the Board:

11               (1) By an employee or group of employees, or any individual or  
12       employee organization purporting to act in their behalf, alleging by filing a  
13       petition or petitions bearing signatures of not less than 30 percent of the  
14       employees, that they wish to form a bargaining unit and be represented for  
15       collective bargaining, or that the individual or employee organization currently  
16       certified as bargaining agent is no longer supported by at least 51 percent of  
17       the employees in the bargaining unit, or that they are now included in an  
18       approved bargaining unit and wish to form a separate bargaining unit under  
19       Board criteria for purposes of collective bargaining.

20               (2)(A)(i) An employee or group of employees, or any individual or  
21       employee organization purporting to act in their behalf, that is seeking to  
22       determine interest in the formation of a bargaining unit or representation for

1 collective bargaining may petition the employer and the Board for a list of the  
2 employees in the proposed bargaining unit.

3 (ii) An employee or group of employees, or any person purporting  
4 to act on their behalf, that is seeking to demonstrate that the individual or  
5 employee organization currently certified as bargaining agent is no longer  
6 supported by at least 51 percent of the employees in the bargaining unit shall  
7 not be entitled to obtain a list of the employees in the proposed bargaining unit  
8 pursuant to this subdivision (c)(2).

9 (B) Within 10 business days after receiving the petition, the employer  
10 shall file with the Board and the employee or group of employees, or the  
11 individual or employee organization purporting to act in their behalf, a list of  
12 the employees in the proposed bargaining unit. The list shall comply with the  
13 requirements of subdivisions (e)(2)(B) and (C) of this section.

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

16 (1) ~~if~~ If it finds reasonable cause to believe that a question of unit  
17 determination or representation exists, ~~an appropriate hearing shall be~~  
18 ~~scheduled before the Board upon due notice~~ the Board shall schedule a hearing  
19 to be held before the Board not more than eight days after the petition was filed  
20 with the Board. The date of the hearing shall not be subject to change. Upon  
21 request, the results of the investigation shall be made available by the Board to

1 the petitioners and all intervenors, if any, including the duly certified  
2 bargaining representative ~~prior to giving notice of hearing~~ as soon as  
3 practicable after the investigation is completed. ~~Written notice of the hearing~~  
4 ~~shall be mailed by certified mail to the parties named in the petition not less~~  
5 ~~than seven calendar days before the hearing.~~ Hearing procedure and  
6 notification of the results of ~~same~~ the hearing shall be in accordance with rules  
7 ~~prescribed~~ adopted by the Board, ~~or.~~

8 (2) ~~dismiss the petition, based upon the~~ If the Board finds an absence of  
9 substantive evidence, it shall dismiss the petition.

10 (e)(1) Whenever, as a result of a petition and ~~an appropriate~~ hearing, the  
11 Board finds substantial interest among employees in forming a bargaining unit  
12 or being represented for purposes of collective bargaining, a secret ballot  
13 election shall be conducted by the Board ~~to be taken in such manner as to show~~  
14 not more than 21 days after the petition is filed with the Board. The election  
15 shall be conducted so that it shows separately the wishes of the employees in  
16 the voting group involved as to the determination of the collective bargaining  
17 unit, including the right not to be organized. ~~In order for a~~ The collective  
18 bargaining unit ~~to~~ or collective bargaining representative shall be recognized  
19 and certified by the Board, ~~there must be~~ upon a majority vote ~~cast by those of~~  
20 the employees voting.



1 Sec. 2. 16 V.S.A. § 1992 is amended to read:

2 § 1992. REFERENDUM PROCEDURE FOR REPRESENTATION

3 (a)(1) An organization purporting to represent a majority of all of the  
4 teachers or administrators employed by the school board may be recognized by  
5 the school board without the necessity of a referendum upon the submission of  
6 a petition bearing the valid signatures of a majority of the teachers or  
7 administrators employed by that school board. Within 15 days after receiving  
8 the petition the school board shall notify the teachers or administrators of the  
9 school district in writing of its intention to either require or waive a secret  
10 ballot referendum. If the school board gives notice of its intention to waive a  
11 referendum and recognize an organization, 10 percent of the teachers or  
12 administrators employed by the school board may submit a petition within  
13 15 days thereafter, objecting to the granting ~~or~~ of recognition without a  
14 referendum, in which event a secret ballot referendum shall be held in the  
15 district for the purpose of choosing an exclusive representative ~~according to the~~  
16 ~~guidelines for referendum contained in this legislation~~ as provided pursuant to  
17 the provisions of this section.

18 (2)(A)(i) An organization seeking to represent the teachers or  
19 administrators employed by a school board may petition the school board and  
20 the Vermont Labor Relations Board for a list of the teachers or administrators  
21 in the proposed bargaining unit.







1       Sec. 3. 21 V.S.A. § 1581 is amended to read:

2       § 1581. PETITIONS FOR ELECTION; FILING, INVESTIGATIONS,  
3                   HEARINGS, DETERMINATIONS

4           (a)(1) A petition may be filed with the Board, in accordance with  
5 ~~regulations prescribed~~ rules adopted by the Board:

6           ~~(A)~~ By an employee or group of employees, or any individual or  
7 labor organization acting in their behalf, alleging that not less than 30 percent  
8 of the employees;

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

12           ~~(B)(ii)~~ assert that the individual or labor organization ~~which~~ that has  
13 been certified or is being currently recognized by their employer as the  
14 bargaining representative; is no longer a representative as defined in  
15 section 1583 of this title.

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

19           (2)(A)(i) An employee or group of employees, or any individual or  
20 employee organization purporting to act in their behalf, that is seeking to  
21 determine interest in the formation of a bargaining unit or representation for

1 collective bargaining may petition the employer and the Board for a list of the  
2 employees in the proposed bargaining unit.

3 (ii) An employee or group of employees, or any person purporting  
4 to act on their behalf, that is seeking to demonstrate that the individual or  
5 employee organization currently certified as bargaining representative is no  
6 longer a representative as defined in section 1583 of this title shall not be  
7 entitled to obtain a list of the employees in the proposed bargaining unit  
8 pursuant to this subdivision (a)(2).

9 (B) Within 10 business days after receiving the petition, the employer  
10 shall file with the Board and the employee or group of employees, or the  
11 individual or employee organization purporting to act in their behalf, a list of  
12 the employees in the proposed bargaining unit. The list shall comply with the  
13 requirements of subdivisions (b)(1)(A)(ii)(II) and (III) of this section.

14 (b)(1) The Board shall investigate the petition and if it has reasonable cause  
15 to believe that a question of representation exists shall ~~provide for an~~  
16 ~~appropriate~~ schedule a hearing before the Board ~~itself~~, a Board member  
17 ~~thereof~~, or ~~its agents~~ a person or persons appointed for that purpose ~~upon due~~  
18 ~~notice. Written notice of the hearing shall be mailed by certified mail to the~~  
19 ~~parties named in the petition not less than seven days before the hearing~~ The  
20 hearing shall be held not more than eight days after the petition is filed with the  
21 Board and the date of the hearing shall not be subject to change.

1           (2)(A) If the Board finds upon the record of the hearing that a question  
2 of representation exists, it shall, within 21 days after the petition is filed with  
3 the Board, conduct an election by secret ballot marked at the place of election  
4 and certify to the parties, in writing, the results ~~thereof~~ of the election.

5           (B)(i) Unless the employer and the individual or labor organization  
6 seeking to represent the bargaining unit agree to a longer period, within five  
7 business days after the Board determines that a secret ballot election shall be  
8 conducted, the employer shall file with the Board and the individual or labor  
9 organization that will be named on the ballot a list of the employees in the  
10 bargaining unit.

11           (ii) The list shall include, as appropriate, each employee's name,  
12 work location, shift, job classification, and contact information. As used in  
13 this subdivision (B), "contact information" includes an employee's home  
14 address, personal e-mail address, and home and personal cellular telephone  
15 numbers.

16           (iii) To the extent possible, the list of employees shall be in  
17 alphabetical order by last name and provided in electronic format.

18           (iv) The list shall be kept confidential by the employer and the  
19 individual or labor organization seeking to represent the bargaining unit and  
20 shall be exempt from copying and inspection under the Public Records Act.



1           ~~(2)(B)~~ By the employer alleging that the presently certified bargaining  
2 unit is no longer appropriate under Board criteria.

3           (2)(A)(i) An employee or group of employees, or any individual or  
4 employee organization purporting to act in their behalf, that is seeking to  
5 determine interest in the formation of a bargaining unit or representation for  
6 collective bargaining may petition the employer and the Board for a list of the  
7 employees in the proposed bargaining unit.

8           (ii) An employee or group of employees, or any person purporting  
9 to act on their behalf, that is seeking to demonstrate that the individual or  
10 employee organization currently certified as bargaining agent is no longer  
11 supported by at least 51 percent of the employees in the bargaining unit shall  
12 not be entitled to obtain a list of the employees in the proposed bargaining unit  
13 pursuant to this subdivision (a)(2).

14           (B) Within 10 business days after receiving the petition, the employer  
15 shall file with the Board and the employee or group of employees, or the  
16 individual or employee organization purporting to act in their behalf, a list of  
17 the employees in the proposed bargaining unit. The list shall comply with the  
18 requirements of subdivisions (e)(2)(B) and (C) of this section.

19           (b) The Board, a Board member ~~thereof~~, or a person or persons designated  
20 by the Board shall investigate the petition; and do one of the following:



1 bargaining unit and there is no attempt to seek the election of another  
2 employee organization or individual as bargaining representative, there shall  
3 be at least 51 percent negative vote of all votes cast to decertify the existing  
4 bargaining agent.

5 (2)(A) Unless the employer and the individual or labor organization  
6 seeking to represent the bargaining unit agree to a longer period, within five  
7 business days after the Board determines that a secret ballot election shall be  
8 conducted, the employer shall file with the Board and the individual or labor  
9 organization that will be named on the ballot a list of the employees in the  
10 bargaining unit.

11 (B) The list shall include, as appropriate, each employee's name,  
12 work location, shift, job classification, and contact information. As used in  
13 this subdivision (2), "contact information" includes an employee's home  
14 address, personal e-mail address, and home and personal cellular telephone  
15 numbers.

16 (C) To the extent possible, the list of employees shall be in  
17 alphabetical order by last name and provided in electronic format.

18 (D) The list shall be kept confidential by the employer and the  
19 individual or labor organization seeking to represent the bargaining unit and  
20 shall be exempt from copying and inspection under the Public Records Act.





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

4           (2)(A)(i) An early care and education provider or group of providers, or  
5 any individual or labor organization acting on the providers' behalf, that is  
6 seeking to determine interest in the formation of a bargaining unit or  
7 representation for collective bargaining may petition the State and the Board  
8 for a list of the employees in the proposed bargaining unit.

9           (ii) An early care and education provider or group of providers, or  
10 any individual or labor organization acting on the providers' behalf, that is  
11 seeking to demonstrate that the individual or employee organization currently  
12 certified as bargaining agent is no longer supported by at least 51 percent of  
13 the employees in the bargaining unit shall not be entitled to obtain a list of the  
14 employees in the proposed bargaining unit pursuant to this subdivision (a)(2).

15           (B) Within 10 business days after receiving the petition, the State shall  
16 file with the Board and the early care and education provider or group of  
17 providers, or the individual or labor organization acting on the providers'  
18 behalf, a list of the employees in the proposed bargaining unit. The list shall  
19 comply with the requirements of subdivisions (b)(2)(B) and (C) of this section.

20           (b) The Board shall investigate ~~the~~ a petition filed pursuant to subdivision  
21 (a)(1) of this section, and;

1           (1) if it has reasonable cause to believe that a question concerning  
2           representation exists, shall conduct a hearing to be held before the Board not  
3           more than eight days after the petition is filed with the Board. The date of the  
4           hearing shall not be subject to change. The hearing shall be held before the  
5           Board, a member of the Board, or ~~its agents~~ a person or persons appointed for  
6           that purpose ~~upon due notice. Written notice of the hearing shall be mailed by~~  
7           ~~certified mail to the parties named in the petition not less than seven days~~  
8           ~~before the hearing.~~ If the Board finds upon the record of the hearing that a  
9           question of representation exists, it shall, not more than 21 days after the  
10           petition is filed with the Board, conduct an election by secret ballot and certify  
11           to the parties, in writing, the results of the election.

12           (2)(A) Unless the State and the individual or labor organization seeking  
13           to represent the early care and education providers agree to a longer period,  
14           within five business days after the Board determines that substantial interest  
15           exists and a secret ballot election shall be conducted, the State shall file with  
16           the Board and the early care and education provider or group of providers or  
17           the individual or labor organization acting on the providers' behalf that will be  
18           named on the ballot a list of the employees in the bargaining unit.

19           (B) The list shall include, as appropriate, each employee's name,  
20           work location, shift, job classification, and contact information. As used in  
21           this subdivision (2), "contact information" includes an employee's home

1 address, personal e-mail address, and home and personal cellular telephone  
2 numbers.

3 (C) To the extent possible, the list of employees shall be in  
4 alphabetical order by last name and provided in electronic format.

5 (D) The list shall be kept confidential by the State and the individual  
6 or labor organization seeking to represent the early care and education  
7 providers and shall be exempt from copying and inspection under the Public  
8 Records Act.

9 (E) Failure to file the list within the time required pursuant to  
10 subdivision (A) of this subdivision (2) shall be grounds for the Board to set  
11 aside the results of the election if an objection is filed within the time required  
12 pursuant to the Board's rules.

13 (c) In determining whether ~~or not~~ a question of representation exists, the  
14 Board shall apply the same ~~regulations and rules of decision-making~~ decision  
15 making regardless of the identity of the persons filing the petition or the kind  
16 of relief sought.

17 \* \* \*

18 \* \* \* Automatic Membership Dues Deduction \* \* \*

19 Sec. 6. 3 V.S.A. § 903 is amended to read:

20 § 903. EMPLOYEES' RIGHTS AND DUTIES; PROHIBITED ACTS

21 \* \* \*



1 Sec. 8. 16 V.S.A. § 1982 is amended to read:

2 § 1982. RIGHTS

3 \* \* \*

4 (f) A teacher or administrator who is a member of the teachers' or  
5 administrators' organization shall have the right to automatic membership dues  
6 deductions. Upon receipt of a signed authorization to commence automatic  
7 membership dues deductions from a teacher or administrator, the school board  
8 shall, not later than the next pay period after receiving the authorization,  
9 commence withholding from the teacher's or administrator's wages the amount  
10 of membership dues certified by the teachers' or administrators' organization.  
11 The school board shall transmit the amount withheld to the teachers' or  
12 administrators' organization on the same day as the teacher or administrator is  
13 paid.

14 Sec. 9. 21 V.S.A. § 1645 is added to read:

15 § 1645. AUTOMATIC MEMBERSHIP DUES DEDUCTION

16 Independent direct support providers who are members of the labor  
17 organization shall have the right to automatic membership dues deductions.  
18 Upon receipt of a signed authorization to commence automatic membership  
19 dues deductions from an independent direct support provider, the State shall,  
20 no later than the next pay period after receiving the authorization, commence  
21 withholding from the independent direct support provider's wages the amount

1 of membership dues certified by the labor organization. The State shall  
2 transmit the amount withheld to the labor organization on the same day as the  
3 independent direct support provider is paid.

4 Sec. 10. 21 V.S.A. § 1737 is added to read:

5 § 1737. AUTOMATIC MEMBERSHIP DUES DEDUCTION

6 Employees who are members of the employee organization shall have the  
7 right to automatic membership dues deductions. Upon receipt of a signed  
8 authorization to commence automatic membership dues deductions from an  
9 employee, the employer shall, no later than the next pay period after receiving  
10 the authorization, commence withholding from the employee's wages the  
11 amount of membership dues certified by the employee organization. The  
12 employer shall transmit the amount withheld to the employee organization on  
13 the same day as the employee is paid.

14 Sec. 11. 33 V.S.A. § 3618 is added to read:

15 § 3618. AUTOMATIC MEMBERSHIP DUES DEDUCTION

16 Early care and education providers who are members of the labor  
17 organization shall have the right to automatic membership dues deductions.  
18 Upon receipt of a signed authorization to commence automatic membership  
19 dues deductions from an early care and education provider, the State shall, no  
20 later than the next period when subsidies would be paid to the provider after  
21 receiving the authorization, commence withholding from the subsidies paid to

1 the early care and education provider the amount of membership dues certified  
2 by the labor organization. The State shall transmit the amount withheld to the  
3 labor organization on the same day as the subsidies are paid to the early care  
4 and education provider.

5 \* \* \* Access to Employees in Bargaining Unit \* \* \*

6 Sec. 12. 3 V.S.A. § 909 is added to read:

7 § 909. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

8 (a) An employer shall provide the employee organization that is the  
9 exclusive representative of the employees in a bargaining unit with an  
10 opportunity to meet with each newly hired employee in the bargaining unit to  
11 present information about the employee organization.

12 (b)(1) The meeting shall occur during the new employee's orientation or, if  
13 the employer does not conduct an orientation for newly hired employees,  
14 within 30 calendar days from the date on which the employee was hired.

15 (2) If the meeting is not held during the new employee's orientation, it  
16 shall be held during the new employee's regular work hours and at his or her  
17 regular worksite or a location mutually agreed to by the employer and the  
18 employee organization.

19 (3) The meeting shall be for not less than 60 minutes.

20 (4) The employee shall be paid for attending the meeting at his or her  
21 regular rate of pay.

1       (c) Within 10 days after hiring a new employee in a bargaining unit, the  
2       employer shall provide the employee organization with his or her name, job  
3       title, worksite location, work telephone number and e-mail address, home  
4       address, personal e-mail address, home and personal cellular telephone  
5       numbers, and date of hire.

6       (d) The employer shall provide the employee organization with not less  
7       than 10 days' notice of an orientation for newly hired employees in a  
8       bargaining unit.

9       Sec. 13. 3 V.S.A. § 1022 is added to read:

10       § 1022. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

11       (a) An employer shall provide the employee organization that is the  
12       exclusive representative of the employees in a bargaining unit with an  
13       opportunity to meet with each newly hired employee in the bargaining unit to  
14       present information about the employee organization.

15       (b)(1) The meeting shall occur during the new employee's orientation or, if  
16       the employer does not conduct an orientation for newly hired employees,  
17       within 30 calendar days from the date on which the employee was hired.

18       (2) If the meeting is not held during the new employee's orientation, it  
19       shall be held during the new employee's regular work hours and at his or her  
20       regular worksite or a location mutually agreed to by the employer and the  
21       employee organization.



1           (3) The meeting shall be for not less than 60 minutes.

2           (4) The employee shall be paid for attending the meeting at his or her  
3 regular rate of pay.

4           (c) Within 10 days after hiring a new employee in a bargaining unit, the  
5 employer shall provide the employee organization with his or her name, job  
6 title, worksite location, work telephone number and e-mail address, home  
7 address, personal e-mail address, home and personal cellular telephone  
8 numbers, and date of hire.

9           (d) The employer shall provide the employee organization with not less  
10 than 10 days' notice of an orientation for newly hired employees in a  
11 bargaining unit.

12       Sec. 14. 16 V.S.A. 1984 is added to read:

13       § 1984. ACCESS TO NEW TEACHERS OR ADMINISTRATORS IN  
14                                   BARGAINING UNIT

15           (a) A school board shall provide a teachers' or administrators' organization  
16 that is the exclusive representative of the teachers or administrators in a  
17 bargaining unit with an opportunity to meet with each newly hired teacher or  
18 administrator in the bargaining unit to present information about the teachers'  
19 or administrators' organization.

20           (b)(1) The meeting shall occur during the new teacher's or administrator's  
21 orientation or, if the school board does not conduct an orientation for newly

1 hired teachers or administrators, within 30 calendar days from the date on  
2 which the teacher or administrator was hired.

3 (2) If the meeting is not held during the new teacher's or administrator's  
4 orientation, it shall be held during the new teacher's or administrator's regular  
5 work hours and at his or her regular worksite or a location mutually agreed to  
6 by the school board and the teacher's or administrator's organization.

7 (3) The meeting shall be for not less than 60 minutes.

8 (4) The teacher or administrator shall be paid for attending the meeting  
9 at his or her regular rate of pay.

10 (c) Within 10 days after hiring a new teacher or administrator, the school  
11 board shall provide the teacher's or administrator's organization, as  
12 appropriate, with his or her name, job title, worksite location, work telephone  
13 number and e-mail address, home address, personal e-mail address, home and  
14 personal cellular telephone numbers, and date of hire.

15 (d) The school board shall provide the teacher's or administrator's  
16 organization with not less than 10 days' notice of an orientation for newly  
17 hired teachers or administrators in its bargaining unit.

18 Sec. 15. 21 V.S.A. § 1738 is added to read:

19 § 1738. ACCESS TO NEW EMPLOYEES IN BARGAINING UNIT

20 (a) An employer shall provide the employee organization that is the  
21 exclusive representative of the employees in a bargaining unit with an

1 opportunity to meet with each newly hired employee in the bargaining unit to  
2 present information about the employee organization.

3 (b)(1) The meeting shall occur during the new employee's orientation or, if  
4 the employer does not conduct an orientation for newly hired employees,  
5 within 30 calendar days from the date on which the employee was hired.

6 (2) If the meeting is not held during the new employee's orientation, it  
7 shall be held during the new employee's regular work hours and at his or her  
8 regular worksite or a location mutually agreed to by the employer and the  
9 employee organization.

10 (3) The meeting shall be for not less than 60 minutes.

11 (4) The employee shall be paid for attending the meeting at his or her  
12 regular rate of pay.

13 (c) Within 10 days after hiring a new employee in a bargaining unit, the  
14 employer shall provide the employee organization with his or her name, job  
15 title, worksite location, work telephone number and e-mail address, home  
16 address, personal e-mail address, home and personal cellular telephone  
17 numbers, and date of hire.

18 (d) The employer shall provide the employee organization with not less  
19 than 10 days' notice of an orientation for newly hired employees in a  
20 bargaining unit.

1                   \* \* \* State Funds in Relation to Union Organizing \* \* \*

2           Sec. 16. 21 V.S.A. § 496a is amended to read:

3           § 496a. STATE FUNDS; UNION ORGANIZING

4           (a) An employer that is the recipient of a grant of State funds in a single  
5           grant of more than \$1,000.00 shall certify to the State that none of the funds  
6           will be used to interfere with or restrain the exercise of an employee's rights  
7           with respect to unionization or for activities directly related to influencing or  
8           coercing employees with respect to unionization or union organizing and, upon  
9           request, shall provide records to the Attorney General or Secretary of  
10           Administration which that attest to such certification.

11           (b)(1) An employer that is the recipient of a grant of State funds shall not  
12           interfere with or restrain the exercise of an employee's rights with respect to  
13           unionization or engage in activities directly related to influencing or coercing  
14           employees with respect to unionization or union organizing.

15           (2)(A) An employer that violates subdivision (1) of this subsection shall  
16           be liable to the State for two times the amount of any State funds expended in  
17           violation of subdivision (1) of this subsection and shall also be assessed a civil  
18           penalty equal to not more than \$5,000.00 or two times the amount of any State  
19           funds expended in violation of subdivision (1) of this subsection, whichever is  
20           greater.

1           (B) The Attorney General may conduct an investigation of an alleged  
2           violation of this subsection and may enforce the provisions of this subsection  
3           by bringing a civil action. An investigation shall not be a prerequisite to  
4           bringing a civil action.

5                           \* \* \* Good Cause Employment \* \* \*

6           Sec. 17. FINDINGS

7           The General Assembly finds that:

8           (1) The Vermont statutes offer workers protection from many forms of  
9           arbitrary or discriminatory treatment in the workplace.

10           (2) Some Vermont workers enjoy protections from termination for no  
11           reason or termination for an arbitrary, capricious, trivial, or pretextual reason  
12           pursuant to a collective bargaining agreement or contract.

13           (3) Other Vermont workers, however, do not enjoy such protections.  
14           Those workers are known as “at-will” employees. An “at-will” employee may  
15           be discharged for any reason that is not prohibited by law or public policy or  
16           for no reason at all.

17           (4) Currently, absent an agreement between an employer and an  
18           employee to the contrary, an employee is presumed to be an “at-will”  
19           employee in 49 out of 50 U.S. states.

20           (5) However, Montana and most industrialized countries provide  
21           workers with legal protections against arbitrary dismissal. Among other

1 things, Montana’s law makes it illegal to discharge an employee for other than  
2 “good cause” after the employee has completed his or her probationary period.  
3 “Good cause” can include a variety of legitimate business reasons, including  
4 an employee’s failure to perform his or her job duties satisfactorily, disruption  
5 to the employer’s operations, or other economic factors.

6 (6) The additional job security that a “good cause” standard for  
7 dismissal provides will distinguish Vermont from other states and make it a  
8 more attractive place for workers and families to relocate, live, and raise  
9 children.

10 Sec. 18. 21 V.S.A § 495 is amended to read:

11 § 495. UNLAWFUL EMPLOYMENT PRACTICE

12 \* \* \*

13 (b)(1) It shall be an unlawful employment practice for an employer to  
14 discharge an employee for other than good cause shown. As used in this  
15 subdivision, “good cause” means either a reasonable, good-faith reason for  
16 discharge related to a legitimate business reason or that the employee has been  
17 employed by the employer for fewer than 90 days. “Good cause” does not  
18 include reasons for discharge that are trivial, arbitrary, capricious, or otherwise  
19 unrelated to a legitimate business reason.

20 (2) The provisions of this section shall not be construed to limit:

