1	H.801
2	Introduced by Representatives Donovan of Burlington, Anthony of Barre City
3	Hooper of Burlington, Howard of Rutland City, Lanpher of
4	Vergennes, Masland of Thetford, O'Sullivan of Burlington,
5	Sullivan of Burlington, Troiano of Stannard, Walz of Barre
6	City, and Yacovone of Morristown
7	Referred to Committee on
8	Date:
9	Subject: Education; collective bargaining; Commission on Public School
10	Employee Health Benefits
11	Statement of purpose of bill as introduced: This bill proposes to allow the
12	Commission on Public School Employee Health Benefits to allocate premium
13	and out-of-pocket responsibilities between employers and employees based on
14	the ability of the employee to pay these expenses, to permit an arbitrator
15	resolving a dispute for the Commission greater latitude in fashioning a
16	resolution, and to establish a process for the Commission to request and
17	receive information necessary for the negotiations.

An act relating to statewide public school employee health benefits

18

1	It is hereby enacted by the General Assembly of the State of Vermont:
2	Sec. 1. 16 V.S.A. § 2102 is amended to read:
3	§ 2102. COMMISSION ON PUBLIC SCHOOL EMPLOYEE HEALTH
4	BENEFITS CREATED
5	* * *
6	(g) Release time. A school district that employs a member of the
7	Commission who represents school employees shall grant the Commission
8	member time off as necessary for the member to attend meetings of the
9	Commission.
10	(h) Staffing and expenses. The Commission may hire staff as it deems
11	necessary to carry out its duties under this chapter. Compensation for
12	Commission staff and administrative expenses of the Commission shall be
13	shared equally by school employers and school employees. The
14	representatives of school employers and the representatives of school
15	employees shall equitably apportion their share of the costs of compensation
16	and administrative expenses among their members.
17	(h)(i) Rulemaking. The Commission may adopt rules or procedures, or
18	both, pursuant to 3 V.S.A. chapter 25 as needed to carry out its duties under
19	this chapter.

19

of the employee's salary; and

1	Sec. 2. 16 V.S.A. § 2103 is amended to read:
2	§ 2103. DUTIES OF THE COMMISSION
3	(a) The Commission shall determine the percentage of the premium for
4	individual, two-person, parent-child, and family coverage under a health
5	benefit plan that shall be borne by each school employer and the percentage
6	that shall be borne by participating employees.
7	(1) The premium responsibility percentages shall remain in effect for the
8	entire plan year.
9	(2) Each school employer shall be responsible for paying, on behalf of
10	all of its participating school employees, the applicable percentages of
11	premium costs as determined by the Commission.
12	(3) The premium responsibility percentages for each plan tier shall be
13	the same for all may differ among participating employees to reflect an
14	employee's ability to pay based on the amount of the employee's salary.
15	(b)(1) The Commission shall determine:
16	(A) the amount of school employees' out-of-pocket expenses for
17	which the school employer and the school employees shall be responsible,
18	which may take into account an employee's ability to pay based on the amount

1	(B) whether school employers shall establish a health reimbursement
2	arrangement, a health savings account, both, or neither, for their participating
3	employees.
4	(2) The Commission also shall determine the extent to which the
5	employer or employee shall bear first dollar responsibility for out-of-pocket
6	expenses if using a health reimbursement arrangement and whether the balance
7	in a participating employee's health reimbursement arrangement shall roll over
8	from year to year.
9	(3) The school employers' and school employees' responsibilities for
10	out of pocket expenses for each plan tier shall be the same for all participating
11	employees.
12	* * *
13	Sec. 3. 16 V.S.A. § 2104 is amended to read:
14	§ 2104. NEGOTIATION; TIME TO BEGIN; GOOD FAITH; WRITTEN
15	AGREEMENT
16	(a)(1) The Commission shall commence negotiation of the matters set forth
17	in subsections 2103(a) and (b) of this chapter not later than April 1 of the year
18	before the existing agreement pursuant to this section is set to expire. On or
19	before November 1 of the year prior to commencement of bargaining, the
20	Commission shall request from the parties the negotiation data and information
21	that it anticipates needing for the negotiation, in a common format, and, on or

1	before February 1 of the year of bargaining, the parties shall submit to the
2	Commission the information requested.
3	* * *
4	Sec. 4. 16 V.S.A. § 2105 is amended to read:
5	§ 2105. DISPUTE RESOLUTION
6	* * *
7	(b)(1) If the Commission is unable to resolve all matters remaining in
8	dispute within 30 days after receiving the fact finder's report, the Commission
9	shall submit the matters remaining in dispute to the arbitrator or arbitrators
10	selected pursuant to section 2104 of this chapter for resolution.
11	(2) The representatives of school employees and the representatives of
12	school employers shall submit to the arbitrator or arbitrators their last best
13	offer on all issues remaining in dispute.
14	(3) The arbitrator or arbitrators shall select one of the last best offers in
15	its entirety without amendment, provided, however, that if the arbitrator or
16	arbitrators determine that the last best offers submitted by both parties are
17	unreasonable and likely to produce undesirable results or to have a long-lasting
18	negative impact on the parties' collective bargaining relationship, then the
19	arbitrator or arbitrators may either:
20	(A) select the recommendations made by the fact finder in their
21	entirety pursuant to subdivision (a)(4) of this section; or

1	(B) select among the following on an issue-by-issue basis:
2	(i) the last best offer of the representatives of the school
3	employees; and
4	(ii) the last best offer of the representatives of the school
5	employers.
6	* * *
7	Sec. 5. 16 V.S.A. § 2108 is amended to read:
8	§ 2108. DUTIES OF SCHOOL EMPLOYERS
9	Each school employer shall:
10	* * *
11	(3) contribute toward the out-of-pocket expenses of each participating
12	employee in the amounts and manner determined by the Commission to be the
13	employer's responsibility; and
14	(4) participate in any health reimbursement arrangement or health
15	savings account, or both, in the amounts and to the extent determined by the
16	Commission; and
17	(5) provide the Commission with timely information as requested by the
18	Commission in the fulfillment of its duties.
19	Sec. 6. EFFECTIVE DATE
20	This act shall take effect on passage.