

# Orientation Handbook for Appointed & Elected Officials

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The State of Vermont



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Dear Executive Appointee:

Welcome to your new position as an appointed or elected official in Vermont State Government. The rewards and challenges of leadership in the public sector are unique. As a leader, you have the knowledge and abilities to serve the state and its people, but you may have questions about how to manage in this new environment.

This orientation handbook is designed to assist you in quickly identifying the information and resources available to you in your new role. From your employee benefits, to the structure of the Executive Branch; from managing in the Civil Service, to the state budget process; this handbook provides an overview of the basic things that you need to know and where you can get more details as needed.

All of the staff members in the Department of Human Resources and Agency of Administration are eager to assist you with any additional information that you may require and to support you in the important work ahead. Please do not hesitate to let us know when we can be of service to you.

Best wishes,

Linda P. McIntire,  
Commissioner of Human Resources

Michael K. Smith  
Secretary of Administration

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The Vermont State Government, like the federal government, is divided into three distinct branches. The legislative branch makes the laws, the executive branch carries out the laws, and the judicial branch interprets the laws.

### Executive Branch – Summary Overview

The elected officials of the executive branch are the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Accounts and Attorney General. Each official is elected to office for a term of two years. The Governor functions as the chief executive officer overseeing all administrative departments of the executive branch.



The executive branch of Vermont state government consists of approximately 8,100 positions. It is organized into six major agencies, most having several subordinate departments -- the largest is the Agency of Human Services with approximately 3,000 positions. Other agencies include the Agency of Transportation (approximately 1,300 positions), the Agency of Natural Resources (approximately 600 positions), the Agency of Administration (approximately 800 positions), the Agency of Commerce and Community Development (approximately 100 positions), and the Agency of Agriculture (approximately 97 positions). The remaining positions are in 30 other separate departments and offices that exist outside the agency structure, with sizes ranging from a few positions to more than 300.

The lines of authority within an executive branch agency or department start with an agency secretary or department commissioner, who is appointed to that office, and who is responsible for the overall operation of an agency or department<sup>1</sup>. Such appointments are subject to confirmation by the state senate (except for the Commissioner of Education). A secretary or commissioner may appoint a deputy as authorized by statute. A department is generally comprised of divisions each headed by a director.

### Elected and Appointed Officials

Elected and Appointed Positions are permanent positions that are excluded from the classified service by statute.

Appointed Officials serve solely at the discretion of the Governor.

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<sup>1</sup> APPOINTING AUTHORITY - the person authorized by statute, or lawfully-delegated authority, to appoint and dismiss employees. For purposes of reduction in force: within an agency, the Secretary shall be the appointing authority except as such authority may be delegated to a Commissioner; within a department not a component of an agency, the Commissioner or executive head shall be the appointing authority.

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## Compensation<sup>2</sup>

### Salary

The Governor has the authority to establish salary levels for all agency and department heads (Secretaries and Commissioners) within statutory limits (32 V.S.A. §1003(b)).

The annual salaries for elected officials are set by statute. The only salary adjustments are those approved by the legislature.

Paychecks are issued bi-weekly on every other Thursday for the most recently completed pay period in accordance with the State payroll system. A schedule of pay periods and pay dates is available on-line at [http://vermontpersonnel.org/employee/payroll\\_paydate.php](http://vermontpersonnel.org/employee/payroll_paydate.php).

### Leave

Agency and department heads are salaried and are not eligible to participate in any leave benefit or leave accrual plan. Appropriate time off is taken on a discretionary basis and the administration of time off is informal.

### Retirement

Elected and Appointed Officials are automatically enrolled in the Vermont State Employees' Retirement plan - this is a "defined benefit" plan which includes an employee contribution of 3.35% of pay each pay period. As exempt employees, elected and appointed officials are also eligible to transfer to a "defined contribution" retirement plan, which also requires an employee contribution of 3.35% of the employee's compensation for each payroll period and the state contributes to each employee's account at the rate of seven percent of the employee's compensation for each payroll period. The Retirement Office provides additional information on retirement benefits.



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<sup>2</sup> Related Personnel Policies:

2.2 - Pay Act

5.1 - Employment Categories (5.10 - Exempt)

12.8 - Compensation and Leave Benefits for Exempt Employees

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### Benefits

There are a number of forms and informational handouts related to insurance and other benefits that your personnel officer will provide to you. Most benefits require enrollment within a specific time frame after beginning employment. A checklist summarizing the information that you should receive is provided below:

<u>Item</u>	<u>Application Deadline</u> <i>(if applicable)</i>
<input type="checkbox"/> Group Health Insurance	60 days after employment date
– COBRA Information Request Form	
– TotalChoice Plan	
– SelectCare POS Plan	
– HealthGuard PPO Plan	
– SafetyNet Plan	
– Comparison of Plans	
– Domestic Partner Coverage	
– Medical Plan Enrollment Form	
– Medical Premium Pre-Tax Form	
<input type="checkbox"/> Group Life Insurance	60 days after employment date
<input type="checkbox"/> Taxsaver Option Plan (flexible spending account for health & dependent care)	60 days after employment date
<input type="checkbox"/> Dental Insurance	
<input type="checkbox"/> Direct Deposit	
<input type="checkbox"/> Payroll Deduction Form	
<input type="checkbox"/> Long-Term Disability Insurance	
<input type="checkbox"/> Retirement Plans <i>(additional information will be forwarded to you directly from the Retirement Office)</i>	
<input type="checkbox"/> Deferred Compensation Plan	
<input type="checkbox"/> Credit Union	

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## Special Requirements

### Delegation of Authority

- In the Absence of the Appointing Authority:  
Appointed Officials must notify the Governor's office when absent or planning to be absent. If you will be out of state, you will be asked to submit to the Governor's Office:
  - ✓ The dates you will be away.
  - ✓ The address and telephone number to reach you.
  - ✓ The name of your designated deputy who will act in your absence.



- Signing Documents:  
Administration Bulletin 3.3 provides specific procedures concerning the delegation of authority for signing documents to assure that the accountable official maintains personal knowledge of and involvement in important or sensitive issues.
- Emergency Interim Successors:  
All state officers are required to designate not less than three emergency interim successors and to file the designations in the offices of both the Governor and the Secretary of State, in accordance with 20 V.S.A. §184.

### Executive Code of Ethics

All Appointed Officials are subject to the Executive Order detailing the ethical rules to be observed during and after state employ. You will be provided with a copy of the Executive Code of Ethics and will be expected to sign and return to the Governor's Office an Acknowledgement of the Code of Ethics and a Disclosure Questionnaire.

### Bonded Officials

Appointed and Elected officials who are entrusted with the custody of state property or funds shall give a bond to the state for the faithful performance of their duties in such penal sums as the governor shall require, pursuant to 3 V.S.A. §251.



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## Agency of Administration

### Goals

The goal of the Agency is to insure the uniform and consistent functioning of state government, to provide centralized support services for all components of state government, to work consistently to deliver better services to the citizens of Vermont at the lowest possible costs, and to carry out the policy objectives of the Governor and the laws of Vermont.

### Statutory Authority

The Agency was formed by the General Assembly by Act 92 of 1971. The Agency's organization and authority is described in 3 V.S.A. Chapter 45. The Secretary of Administration is both principal aide to the Governor and executive manager of the Agency of Administration. The office of the Secretary assists in the development and implementation of policies and programs throughout state government, coordinates and controls functions within state government, and manages the Agency of Administration.

### Departments

The Agency of Administration includes the following Departments and Offices:

- **Buildings & General Services** - oversees all state facilities and operational activities such as purchasing, contract administration, risk management, public records, supplies, printing, and postal services.
- **Information & Innovation/Chief Information Officer** - oversees all matters regarding creation, processing and distribution of information technology. The CIO chairs the Information Resource Management Advisory Council (IRMAC), and annually proposes the state's Five-Year IT plan to the General Assembly.
- **Human Resources** - oversees all matters pertaining to the administration of the state workforce including collective bargaining, labor relations, centralized recruitment, payroll, job classification, compensation, benefits, wellness services, coordination of employee assistance and human resource development.
- **Tax** - administers the collection of all state taxes.
- **Libraries** - provides, administers and maintains a law library; a collection of state documents and of documents relating to other states, and local and federal governments; an information and reference service to state government, including a comprehensive collection of current information relating to matters of public policy and topics pertinent to state government; and general library materials and consultative services.
- **Finance & Management** - oversees the fiscal condition and integrity of State government through (1) the establishment and maintenance of centralized accounting functions that incorporate appropriate internal controls and generate reliable financial information that is in accord with es-

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established accounting principles; and (2) the development, maintenance and advocacy for fiscally responsible budgets and related management recommendations for the Secretary of Administration and the Governor.

### Management Support Services

The departments within the Agency of Administration provide an array of services to assist managers, organizations and staff to be effective. Managers have access to consultation services, technical assistance, and publications in the areas of:

- Workforce Planning
- Organizational Assessment
- Wellness and Health & Safety
- Restructuring
- Personnel & Labor Relations

Consultation and Technical Assistance services are available to assist with:

- **Staff Development & Organization Development**

The Cyprian Learning Center is a statewide training and organizational development resource for all of Vermont State government. The Learning Center staff offers custom-designed training, organizational assessment, team development, restructuring assistance, and career advising. The CLC also hosts approximately 9,000 people a year in its training and meeting facilities and maintains a resource library. Brochures about our services are available by calling (802) 241-1114, or e-mailing: [clc@per.state.vt.us](mailto:clc@per.state.vt.us), or by visiting our website at <http://vermontpersonnel.org/employee/training.php>.

- **Employee Assistance Program (EAP)**

Organizational Assistance Services are available through EAP, which is administered by INVEST EAP, a regional EAP with numerous locations throughout Vermont. These services, as distinguished from the EAP for the individual, are provided to the supervisor, manager, work group, or larger organization. On occasion, these services may be provided in collaboration with the Cyprian Learning Center. The focus of services delivery will be on intervening at the organization/systemic level. Conflict resolution, mediation, or Critical Incident Stress Debriefing to process a traumatic event (e.g. death of a co-worker. Violent incident) may be provided to employees within a workgroup with the goal of resolving workplace issues and improving functioning productivity. Consultation or advice is also available to

### Department of Human Resources Services

Cyprian Learning Center - develop individual & team skills; consult on management issues; organizational development & more

Workforce Planning & Employment Services - understand current workforce trends & anticipated staffing needs; create a recruitment strategy for hard-to-fill positions; craft effective minimum qualifications & more

Classification & Compensation - establish new positions; set market-based pay rates for hard-to-fill jobs & more

Labor Relations -negotiate contractual issues; investigate complaints; address grievances & more

For details, go to:

<http://vermontpersonnel.org/index.php>

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supervisors or managers who have a workplace issue in which they think either they or one of their employees could benefit from the use of EAP services. To access EAP services call 1-888-834-2830.

- **Budget & Management**

The Budget & Management Analysts in the Department of Finance & Management work with their assigned departments, agencies and programs to fashion solutions to their fiscal problems. These may involve internal management issues or special consideration to the Governor's budget. Analysts interpret the departments' problems to the central fiscal administration, and interpret the administration's policies to the departments. Analysts routinely make recommendations concerning a wide range of issues on which departments need to obtain administrative approval.

### Publications On-Line

The following publications are available on-line at the Department of Human Resource's website:

- Personnel Policies & Procedures Manual: provides essential information on how to accomplish agency/department mission within the administrative framework of Vermont State Government.  
([http://vermontpersonnel.org/employee/labor\\_policy.php](http://vermontpersonnel.org/employee/labor_policy.php))
- Restructuring in Vermont State Government: Ideas, Issues, and Resources: provides useful steps and thoughtful questions to consider in the restructuring process. Some of the statutory and contractual issues that you may need to address in restructuring are highlighted.  
(<http://vermontpersonnel.org/htm/restruct.html>)
- A Guide to the State Performance Management System: discusses the purpose, objectives and phases of the State's performance management system.  
(<http://vermontpersonnel.org/htm/pdf/perfmandoc.pdf>)
- A Guide to Interviewing and Reference Checking: takes the reader through the steps involved in developing and conducting a structured interview. Also covered are legal aspects of the interview process and reference checking.  
(<http://vermontpersonnel.org/htm/pdf/interviewguidedoc.pdf>)
- Vermont State Government Affirmative Action Plan: addresses issues of affirmative action and equal employment opportunity within the state government workforce.  
(<http://vermontpersonnel.org/employee/pdf/AAP2005.pdf>)
- Workforce Report to the Governor and Vermont General Assembly: A comprehensive report of Vermont State Government workforce trends and practices.  
(<http://vermontpersonnel.org/htm/pdf/WorkForceReportFY04.pdf>)



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### Auditor of Accounts<sup>3</sup>

The State Auditor is a constitutional officer, elected biennially by the citizens of Vermont. The Auditor's principal duties are defined by 32 V.S.A. §§163, 167 and 168, which include:

- (1) the annual audit of the State's financial statements;
- (2) discretionary government audits and examinations of every department, institution and agency of the State and certain county officers;
- (3) special audits as requested by the Governor;
- (4) audits and reviews initiated by the Auditor;
- (5) audits or reviews as statutorily required by the Legislature;
- (6) establishment of uniform systems of accounting and reporting for cities and towns;
- (7) approval and coordination of contractual auditing and accounting requests by state departments, agencies and state-created authorities; and
- (8) performance of and/or contracting to perform the federal Single Audit;

All audit work is conducted consistent with Government Auditing Standards (GAS) issued by the Comptroller General of the United States.

### Annual Audits

The Office of the State Auditor conducts independent government audits for the State of Vermont. Two major governmental financial audits are issued annually: (1) the audit of the General Purpose Financial Statements (GPFS) of the State of Vermont; and (2) the federally-mandated Single Audit of all programs receiving federal funds. These audits adhere to Government Auditing Standards as determined by the Comptroller General of the United States and to Generally Accepted Auditing Standards (GAAS) as issued by the American Institute of Certified Public Accountants.

### GPFS Audit

The major activity of the State Auditor's Office is the audit of the State of Vermont's General Purpose Financial Statements. These financial statements are the responsibility of the State of Vermont's management. The State Auditor's responsibility is to express an opinion on and provide reasonable assurance that the financial information presented in these statements is free of material misstatement. This audit also tests the State's compliance with certain provision of laws and regulations as well as the internal control structure put in place by state management.

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<sup>3</sup> This overview is taken from information provided on the website of the State Auditor of Accounts, last revised November 4, 2002: [www.state.vt.us/sao/pages/GeneralInfo.htm](http://www.state.vt.us/sao/pages/GeneralInfo.htm).

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### Federal Single Audit

The other major audit of the State Auditor's Office is the Single Audit of all programs receiving federal funds, which is performed both by the State Auditor's Office and by contracted independent public accounting firms. The Single Audit reviews the \$700 million Vermont receives annually from the federal government to ensure that it is spent in compliance with all applicable laws and regulations and to monitor internal controls over federal monies, including program effectiveness and efficiency.

### Management Letters

The State Auditor provides a yearly Management Letter to the State's financial managers. This Management Letter is a result of the annual GPFS Audit and the Federal Single Audit for that fiscal year. Its purpose is to indicate to state managers specific ways to improve financial operations and reporting, and help foster efficient management of the State of Vermont's resources. The Management Letter also provides follow-up on the prior year's audit findings to document that identified deficiencies in internal controls and compliance with relevant laws have been corrected.

### Reviews

A review is an objective, systematic and factually-documented analysis that results in findings and recommendations concerning the topic or issue studied. The purpose of a review is to assist state management to improve financial, administrative, compliance or performance functions of the State of Vermont, particularly in regard to how effective programs are in meeting legislatively mandated goals. These reports may be requested by the Legislature or Governor, or initiated by the State Auditor.

### Changes in Government Auditing

Government Auditing Standards were revised in 1994. Greater emphasis is placed upon audits of internal controls and compliance. The standards also place more importance on program audits. The American Institute of Certified Public Accountants has recently issued revised standards on internal controls. The adequate design and operation of such controls are essential to the effective functioning of state government and the protection of public assets, including cash, which have been entrusted to the government. Generally Accepted Accounting Principles (GAAP) are also changing each year. Monitoring the State's compliance with these principles, as well as rendering professional assistance to implement compliance, is one of the major goals of the Office of the Auditor of Accounts.

### Audience

The State Auditor's reports are intended to inform all citizens and organizations interested in the State's financial status and operations. Audit reports are addressed to the Legislature, the Administration and appropriate gov-

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ernmental managers. All reports are also made available to the general public and other interested organizations, such as the State's credit rating agencies.

### Goals & Outcomes

The State Auditor's Office goals and outcomes are determined by legislation and government auditing standards. These goals include: a) completion of all mandated and other audits in compliance with government auditing standards; b) issuance of all audit reports on a timely basis; and c) improvement of the state's financial management practices by identifying weaknesses in the State's systems of accounting and reporting, internal controls, and compliance with applicable laws and regulations.

The office encourages and assists accurate and timely financial reporting. Whenever possible, the State Auditor's Office recommends the adoption of Generally Accepted Accounting Principles for state government. The office recommends that the State implement systems to manage the public's resources safely and in compliance with applicable laws and regulations. The office also provides independent reviews of programs to ensure efficiency and economy and to protect the integrity of program goals.



### State Treasurer

The Office of the State Treasurer is a service and administrative department with most of its duties prescribed by statute. It is responsible for the management and accounting of the State's cash balances; processing of checks and check reconciliations of payroll and vendor payments; administration and operation of three major pension plans, the deferred compensation plan and defined contribution retirement plan for State employees; management of temporary investment of State funds; issuance of tax-exempt commercial paper for temporary borrowing when necessary, selling and servicing bonds authorized by the General Assembly; and administration of the Unclaimed Property Act.

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## Secretary of State

The Secretary of State has a variety of duties under state law. The Office of the Secretary of State includes the:

- Office of Professional Regulation
- Elections & Campaign Finance Division
- Corporations Division
- State Archives

All officials and departments in state government must comply with specific legal requirements for the promulgation and amendment of rules and regulations, public information and records, and open meetings. All public officials should be informed of the laws and regulations related to these areas. More information regarding the applicable statutes is provided on page 20 of this handbook.

### Administrative Rules

The Secretary of State is responsible to publish proposed and adopted administrative rules, which may be required by the Executive Branch to facilitate the implementation of laws enacted by the Legislature. Detailed information on the Administrative Rulemaking Process is available on the Secretary of State's website at: <http://www.vermont-archives.org/apa/rules.html>

### Public Information

**Public Records:** under the provisions of Title 1, §316(d), the Secretary of State shall adopt a rule establishing a uniform schedule of public record charges for state agencies. This is available at <http://www.sec.state.vt.us/access/records/fees.htm>

**Open meeting:** the Office of the Secretary of State has published "A Short Guide to Vermont's Open Meeting Law: *Frequently Asked Questions (FAQs) on the rights of citizens and the responsibilities of public bodies*". This is available at <http://www.sec.state.vt.us/pubs/elupdate/upda1297.htm>



## Attorney General

The Attorney General for the State of Vermont is vested with broad authority and powers to protect the state's citizens and the integrity of their governmental operations. The Attorney General's responsibilities as the state's chief legal counsel are detailed in 3 V.S.A. Chapter 7.

The Attorney General has the exclusive authority, unless otherwise specified by statute, to represent the State of Vermont or to retain outside counsel for the purpose of representing the state in civil litigation. The Attorney General, as an independently elected official, is responsible for determining the public interest in any state matter subject to litigation. (3 V.S.A. §157.)

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### Managing in the Civil Service



As a public sector employer, the State of Vermont has unique obligations under statute and collective bargaining agreements to manage the classified workforce in accordance with merit system principles.

All employment with the Executive Branch of State government is either classified (*ie, covered by the merit system*) or exempt (*ie, not covered by merit system rules*), and is enumerated by statute or regulation into specific categories of employment. The classified category includes permanent and limited service positions. The exempt category includes State Police, temporary, elective, appointive, appointive limited positions, legal counsel, and employment for the delivery of a special agreement, contract and retainer service as specified in 3 V.S.A. §311(a)(10). Under the provisions of statute, within each department or agency, one principal or executive assistant, one deputy, and one private secretary may be designated as exempt; although nothing in the law prevents designating a classified employee to perform the duties of a principal assistant, deputy, or private secretary

#### **Personnel Officers**

Each Department and Agency has a designated personnel officer to support the appointing authority in human resource management and administering the complex array of legal, contractual and administrative requirements related to the state's personnel system. In most Departments, your Personnel Officer is part of your management team and will assist you in coordinating with the Department of Human Resources as necessary. In some organizations, the personnel officer may also have other duties, such as business manager. You can find a directory of personnel officers on the Department of Human Resources website:

<http://vermontpersonnel.org/employee/hrstaff.php>

#### **Classified Service**

The merit system law (3 V.S.A. §309 - §312) provides, among other things, a fair foundation for recruitment, selection, retention and advancement of employees based on their relative ability, knowledge, and skills. Discrimination on the basis of race, color, religion, creed, sex, national origin, or political affiliation, disability, sexual orientation, age, or other non-merit factors is prohibited.

#### **Hiring New Employees**

Vacant positions in the classified service are filled by selection from a list of eligible applicants who meet specific published eligibility criteria; and then



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compete by examination which may be written, performance, oral, a rating of past experience and training, or some combination of these. This recruitment and examination process is managed by the Department of Human Resources. The department filling the vacancy manages the selection process.

### Original Probation and Permanent Status

All employees entering the classified service (by any means other than restoration and reemployment) must successfully complete an original probationary period, usually lasting six months, in order to gain status as a permanent state employee. Rights and privileges of permanent status include, but are not limited to, reduction in force, reemployment, and appeal rights, and consideration for promotion, transfer, and restoration.

### Collective Bargaining

Pay, benefits and working conditions of most classified service employees are determined through collective bargaining. The State Employees' Labor Relations Act (3 V.S.A. §§901 - 907) provides the basis for collective bargaining between the State and its employees. Labor contracts are negotiated between the State and the Vermont State Employees' Association, Inc. (VSEA). The VSEA represents and is the certified bargaining agent for members of the Non-Management, Supervisory, Corrections and State Police Bargaining Units. Membership in the VSEA is open to all eligible employees who wish to join; although VSEA cannot represent certain employees who are expressly excluded by statute or by order of the Vermont Labor Relations Board (VLRB). These exceptions include, but are not limited to, appointed and elected officials and classified employees who are designated as exempt, confidential or managerial.

Confidential employee: A classified employee "*having responsibility for, knowledge of, or access to information relating to collective bargaining, personnel administration, or budgetary matters that would make membership in or representation by an employee organization incompatible with his official duties.*" (3 V.S.A. §902 (17))

Managerial employee: An individual determined by the Vermont Labor Relations Board (VLRB) "*as being in an exempt or classified position which requires him to function as an agency, department, or institution head, a major program or division director, a major section chief, or director of a district operation.*" (3 V.S.A. §902 (18))

Extension of benefits: Pursuant to 3 V.S.A., Sec. 2222(f), "*The secretary of administration may extend the benefits of the collective bargaining agreement as necessary or appropriate to state employees who are not members of any bargaining unit,*

**Appointed & Elected Officials, Confidential, and Managerial employees are not eligible to be represented in collective bargaining or contract administration.**

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*and may offer additional benefits the cost of which shall be paid by the employee.”*

### Performance Management

Annual performance evaluations are required for all employees. The labor contracts and personnel policies include specific provisions for the administration of employee evaluations, employee recognition and merit bonus awards, and corrective performance action.

### Discipline and Corrective Action

Disciplinary action and corrective performance action must be taken in strict accordance with the labor contracts. Your personnel officer, or the Labor Relations Unit of the Department of Human Resources, should be consulted whenever discipline or an unsatisfactory performance rating is considered and can advise you on just cause provisions and the specific due process requirements that must be observed.



It is the policy of the State of Vermont to administer discipline fairly, reasonably and impartially. Employees and the State are best served when discipline is administered to correct actions rather than to punish. Disciplinary action is intended to maintain the efficiency and integrity of State service. Progressive disciplinary actions will generally be used after considering the nature and severity of the offense. It is the responsibility of each supervisor, personnel officer and appointing authority to evaluate the circumstances and facts as objectively as possible and then apply the most suitable form of discipline.

### Discipline of Non-Bargaining Unit staff

With respect to employees who are not eligible to join bargaining units, such as employees designated as managerial or confidential, the Personnel Rules and Regulations provide that such employees may not be disciplined except for cause, but the contract provisions regarding discipline do not apply to them. Personnel officers or Labor Relations staff should be consulted when discipline for non-bargaining unit employees is under consideration.

### Employee Grievances

The grievance procedure is detailed in the labor contracts. Managers and supervisors must consult with their agency/department personnel officer regarding grievance issues to obtain guidance during the process. Employees and supervisors are expected to make a sincere effort to reconcile their differences at the lowest possible organizational level. All decisions and resolutions must be consistent with the Agreements between the State of Vermont and the Vermont State Employees' Association, Inc., the Rules and Regulations for Personnel Administration, State laws and current policies.

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There are four levels through which a grievance may progress. Step I is the immediate supervisor level. At this level, the complaint is discussed informally. Step II is the level at which a formal grievance is filed in writing with the department head. The department head may hear the grievance personally or delegate this responsibility to a manager or personnel officer. Step III is the Department of Human Resources level and Step IV is the Vermont Labor Relations Board level. In some instances, grievances may be appealed to the Vermont Supreme Court.

### Exempt Service

Exempt positions are filled by appointment, rather than by the competitive process used for the classified service. The appointing authority manages the recruitment and selection processes. Pay and benefits of exempt positions are controlled by statute or policy.

#### Deputies, Principal or Executive Assistants, and Private Secretaries:

Hiring salaries and salary increases for deputy department heads, principal or executive assistants, and private secretaries are subject to the approval of the Governor under 32 V.S.A. §1020. When recruiting for these positions, a working salary range must first be authorized by the Department of Human Resources. No specific salary may be offered to the candidate until that salary has been approved. An *Exempt Salary Approval* form for all salary offers must be completed by the appointing authority and forwarded to the Department of Human Resources, Compensation Administrator, who will obtain approval from the Commissioner of Human Resources, Secretary of Administration, and the Governor.

Unique Pay Plan: The compensation of an exempt employee who is covered by an approved pay plan (i.e., Exempt Attorney Pay Plan, Executive Director's Pay Plan, etc.) is governed by the terms and conditions of that pay plan. The appointing authority approves the starting salary and subsequent salary adjustments within the criteria of the applicable pay plan and the record of this approval is maintained in the employee's personnel file.

Classified Pay Plan: At the request of the appointing authority, some exempt positions may be covered by the Classified Pay Plan for salary administration purposes and the normal rules for that plan apply. Requests to hire above the minimum of the pay grade are submitted for approval to the Department of Human Resources, Compensation Administrator. These requests are reviewed for compliance with personnel policies.

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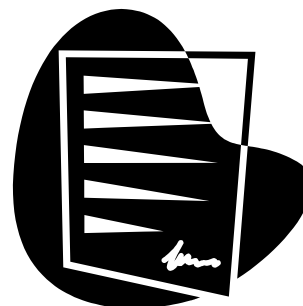


### Vermont Statutes On-Line

The Vermont Legislature's home page includes a link that provides on-line access to all Vermont Statutes at:  
<http://www.leg.state.vt.us/statutes/statutes2.htm>

### Public Documents

Vermont has a Public Documents Law providing that written or recorded matters produced or acquired in the course of the business of a state agency are public documents. However, the law also provides that a number of specifically listed types of documents are not available to the public. The list of types of documents not available to the public includes: documents made confidential by any law, documents which are recognized as being privileged (such as medical records), documents dealing with criminal investigations, tax returns, trade secrets, records relevant to active litigation, records relevant to the negotiation of contracts, and records containing certain types of personal or financial information about individuals. The procedures for requesting public documents are set out in the Public Documents Law. The Public Documents Law is found at 1 V.S.A. §§315 - 320.



### Open Meetings

Generally all meetings of public bodies in Vermont must be open to the public unless there is a specific provision in the law that allows a meeting, or a portion of a meeting, to be closed to the public. For purposes of the Open Meeting Law, "public body" means any board, council, or commission of any state agency, authority of or instrumentality of the state or of a subdivision of the state. In limited circumstances public bodies can vote to go into executive session and exclude the public from the executive session. The following are among the subjects that may properly be considered in executive session: the appointment or evaluation of public officials, negotiation of real estate purchases, the consideration of records or documents that are not available to the public. The Open Meeting Law is found at 1 V.S.A. §§310 - 314.



### Copies of reports

Whenever a report is printed at the expense of any agency, department, board or other entity in the executive branch, ten copies shall be given to the state librarian pursuant to 29 V.S.A. §1152.

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## The State Budget Process

Preparation of the Governor's annual budget for the State of Vermont is the responsibility of the Commissioner of Finance and Management, the staff of the Budget and Management Division, and agency and departmental budget staff. The development and implementation of the budget is an on-going annual cycle comprised of the following highlights:



### Financial Analysis of Actual and Projected Expenditures and Revenues

At the end of a fiscal year (July and August), the Budget and Management staff reviews the financial data for each agency, department and program. This analysis provides important insights into how state government raises revenues and spends tax dollars. These insights may lead to recommendations for changes in the budget for the current fiscal year as well as assist the development of the Governor's budget proposal for the coming fiscal year. The results of this financial analysis are reviewed with the Governor and his or her senior staff.

In September and October instructions are distributed to each agency and department, with a budget allocation for the coming fiscal year. The budget allocations generally reflect the Governor's spending priorities. Using the new Budget Development System (BDS), agencies and departments construct their budgets. In November, the Budget and Management Division staff analyzes these proposed budgets and revisions to the original allocations are made if necessary. By the middle of December, the Governor has made most of the decisions important to the budget.

### Preparation of the Budget

Following the Governor's decisions, the Budget and Management Division prepares the Governor's recommended budget proposal for submission to the General Assembly. This submission is generally comprised of a draft Appropriations Bill and an Executive Budget Book that presents most of the key financial information. Additionally, an electronic version is submitted to the Legislature that profiles how the recommendations of the Governor will be spent.

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### Submission of the Budget to the General Assembly and Legislative Deliberation

Soon after the General Assembly convenes in January, the Governor presents the budget proposal to the Legislature. The Governor usually accompanies the budget proposals with a formal address to a joint meeting of all House and Senate members. After the Budget Recommendations and Budget Message have been presented, the appropriation process is initiated. The Appropriations Bill, prepared in draft form by the Department of Finance and Management, is referred to the Appropriations Committee of the House. In addition to the information made available from the automated budget system, agency and department heads are usually invited to testify on their organizations' budgets.

Once the House and Senate pass the Appropriations Bill, a Budget Conference Committee, comprised of three members of the House and three from the Senate, is established to resolve any differences. Once differences are resolved, both the House and Senate must approve the final version of the Appropriations Bill. Subsequent to approval, the Bill is forwarded to the Governor. The Governor can sign the Bill into law, veto the Bill or allow the Bill to become law by not signing or vetoing the bill within ten days of its arrival at the Governor's Office. If the Governor vetoes the bill, the legislative approval process begins anew.

### Budget Implementation

When passage of the Appropriations Bill is complete and it is enacted into law, the implementation of the act begins. The appropriations approved by the General Assembly and the Governor are entered into the State's accounting system by the Department of Finance and Management on July 1, the beginning of the fiscal year. Agencies and departments can then spend the appropriated funds. At the same time, the Department of Finance and Management is "closing the books" and preparing the financial statements describing the prior fiscal year. At this point, the budget process begins anew for the next fiscal year.

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### The Legislative Branch - Summary Overview<sup>4</sup>

#### General Assembly

The Vermont Legislature (General Assembly) is bicameral - the Senate and the House of Representatives. The one hundred-fifty members of the House of Representatives are elected every two years. Each represents approximately 3,500 citizens. The thirty senators are also elected every two years. Senatorial districts are made up of one or more counties, so that each senator represents an approximately equal number of residents (17,000-18,000).



The General Assembly enacts and may also repeal laws. (In some other states, laws can be made directly by the people, through initiative or referendum.

Vermont has no provision for referenda, except as part of the process to amend the state constitution or an issue can be put on the ballot if the Legislature voted to do so.) The legislative session begins on the first Wednesday following the first Monday in January.

#### Legislative Process

An idea for a bill may come from any number of sources: a legislator, the governor or an executive agency, a citizen or group, municipal officials or businesses. A bill can be written by anyone, although all bills are given by a legislator to the Legislative Council, whose staff then write the proposal. Bills must be sponsored by a member of the General Assembly in order to be submitted and considered.

Bills may originate in either house (with one exception: all revenue bills must originate in the House of Representatives). After being introduced, or read for the first time, a bill is assigned to a committee in the house where it was introduced.

The permanent committees are called standing committees. Standing committees may hold public hearings or committee hearings, at which interested individuals and representatives of groups and businesses express their opinions on a bill. Following testimony and discussion, the committee will evaluate, often amend, and make recommendations on the bill. Sometimes special committees are formed to consider a particular topic; for example, in 1988 a House Committee on Growth was appointed to study all growth and development legislation.

A committee may then vote a bill out favorably, unfavorably or without any recommendation, or table the bill, which kills it in committee. A bill may go

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<sup>4</sup> Source: Vermont Secretary of State

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through this process in one or more committees before being read the second time on the floor of the house in which it originated. After going through the committee process the bill is sent to the floor. If it passes "Second Reading," a floor debate may occur and the bill is read the third time, usually on the day following the debate. If the vote is favorable, the bill will be read again the next day (third reading) - the last vote in this stage of the process.

If the bill passes in the house where it was introduced, it goes to the other chamber to begin the same process over again. When a bill has passed both the House and Senate, but in different versions because of amendments, the two chambers try to agree on a single version by appointing a conference committee, with three members from each house.

A majority of the members of each house constitutes a quorum (except that at least two-thirds of the members of the House must be present for a vote on a tax bill). Measures are passed by a majority of those present and voting.



The Legislature's website includes an on-line bill-tracking system, as well as committee meeting schedules and daily records. Go to: [www.leg.state.vt.us/](http://www.leg.state.vt.us/)

Bills may be amended in first one and then the other house. All bills must pass through both houses before being sent to the governor for action.

The Governor can sign the bill into law or veto it. A two-thirds majority in both houses is required to override a veto. When the Governor signs a bill, it becomes law. A bill can also become law if the Governor does not return it to the General Assembly within five days (Sundays excepted). If, however, the General Assembly adjourns within three days of the presentation of the bill, preventing the return of the bill, it shall not become law without the Governor's signature.

In an average two-year session, or biennium, about 1,000 bills are introduced. Generally about a third of those pass and are signed into law.

### General Assembly Officials

The Legislative Council was established in 1965 to provide professional staff to support and assist legislators. Officially, the council is composed of the president pro tem of the Senate, the Speaker of the House, three senators and three representatives; but the name Legislative Council has now also come to refer to the staff hired by the Council. The staff consists of 8 lawyers, 3 researchers and 11 full-time aides. They research and draft bills for legislators.

The Joint Fiscal Office provides staff support on all the budgetary and financial matters to the Joint Fiscal Committee of the legislature. The Sergeant at



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Arms, appointed by the Legislature, has charge of the State House, including many of the State House employees and pages.

Administrative support and other services to legislators are provided by the Senate Secretary and the House Clerk and their staff.

### How a Bill Becomes a Law - CHART

