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H.22

Introduced by Representatives Headrick of Burlington, Berbeco of Winooski,  
Burke of Brattleboro, Casey of Montpelier, Cina of Burlington, Harrison of  
Chittenden, Logan of Burlington, Masland of Thetford, McCann of  
Montpelier, Priestley of Bradford, and Waszazak of Barre City

Referred to Committee on

Date:

Subject: General provisions; common law; general rights; Public Records Act;  
exemptions; access to information relating to severance pay and  
benefit extension

Statement of purpose of bill as introduced: This bill proposes to amend  
Vermont's Public Records Act and provisions of Title 32 to provide that  
information concerning severance pay and benefit extension agreements shall  
be available for public inspection and copying under Vermont's Public  
Records Act.

An act relating to access to information concerning benefit extension  
agreements for employees of public agencies

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

2 Sec. 1. 1 V.S.A. § 317 is amended to read:

3 § 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND  
4 DOCUMENTS; EXEMPTIONS

5 \* \* \*

6 (c) The following public records are exempt from public inspection and  
7 copying:

8 \* \* \*

9 (7) Personal documents relating to an individual, including information  
10 in any files maintained to hire, evaluate, promote, or discipline any employee  
11 of a public agency; information in any files relating to personal finances; or  
12 medical or psychological facts concerning any individual or corporation;  
13 provided, however, that all information in personnel files of an individual  
14 employee of any public agency shall be made available to that individual  
15 employee or his or her designated representative and information concerning  
16 severance pay or the extension of employment benefits beyond the date of  
17 separation shall be available for public inspection and copying.

18 \* \* \*

19 Sec. 2. 1 V.S.A. § 319 is amended to read:

20 § 319. ENFORCEMENT

21 \* \* \*

1 (d)(1) Except as provided in subdivision (2) of this subsection, the court  
2 shall assess against the public agency reasonable attorney's fees and other  
3 litigation costs reasonably incurred in any case under this section in which the  
4 complainant has substantially prevailed.

5 \* \* \*

6 (4) The court may, in its discretion, assess against a public agency  
7 punitive damages not to exceed \$2,500.00 when the court finds that the agency  
8 has not acted in good faith by improperly withholding or unduly delaying  
9 access to a public record.

10 Sec. 3. 32 V.S.A. chapter 15, subchapter 8 is amended to read:

11 Subchapter 8. ~~Termination Notice~~ Separation; Notice and Severance Records

12 \* \* \*

13 § 1272. SEVERANCE AND BENEFIT EXTENSION AGREEMENTS;

14 AVAILABILITY FOR PUBLIC INSPECTION AND COPYING

15 (a) As used in this section:

16 (1) "Benefit extension agreements" means an agreement made between  
17 a State public agency and an employee that confers severance pay or the  
18 extension of an employment benefit beyond the date of separation.

19 (2) "Public agency" means a "public agency" as defined by 1 V.S.A.

20 § 317.

1        (b) Benefit extension agreements shall be available for public inspection  
2        and copying pursuant to Vermont's Public Records Act.

3        (c) Annually, on or before July 1, every public agency of the State shall  
4        publish an annual report concerning all benefit extension agreements executed  
5        by the public agency during the preceding fiscal year. The annual report shall  
6        contain:

7            (1) the names and positions of the individuals receiving benefits under a  
8            benefit extension agreement;

9            (2) the total amount paid to each individual pursuant to a benefit  
10        extension agreement;

11           (3) a list of the specific employment benefits conferred to each  
12        individual under a benefit extension agreement;

13           (4) the duration of each benefit extension agreement; and

14           (5) the reasons for employment termination for each individual who  
15        receives benefits pursuant to a benefit extension agreement.

16        Sec. 4. REPORTS; BENEFIT EXTENSION AGREEMENTS FOR THE  
17                YEARS 2018 THROUGH 2025

18        On or before January 15, 2026, each public agency of the State shall publish  
19        a report containing the information required by 32 V.S.A. § 1272(c) for the  
20        years 2018 through 2025.

1       Sec. 5. EFFECTIVE DATE

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