

Highlights for Week Ending March 25, 2016

STATE OF VERMONT

The following bills relating to employment and labor met the March crossover deadline in the Legislature:

S.0023. Required disclosures for workers' compensation settlements.

Passed the Senate February 20, 2015, currently in House Commerce and Economic Development.

S.0241. Personal possession and cultivation of cannabis and the regulation of commercial cannabis establishments.

Passed the Senate February 25, 2016, currently in House Judiciary and House Government Operations.

H.0261. Prohibit requiring the disclosure of criminal history record information or an initial employment application. An employer may inquire as to an applicant's criminal history record during an interview or thereafter.

Passed the House March 18, 2016, currently in the Senate Economic Development, Housing and General Affairs.

H.0187. Ensure that employees accrue a minimum number of hours of paid sick time annually and prohibits employers from penalizing employees who use their accrued sick time.

Act 69, Signed by Governor on March 9, 2016.

H.867 (formerly H.773). Classification of employees and independent contractors.

This bill was not going to make the crossover deadline, so it was made a "Committee Bill" to continue momentum. Action on this bill has been postponed until March 31, 2016, and the House Committee on General, Housing and Military will continue review of two amendments and hear additional testimony.

Bill supporters believe that it will continue to give self-employed Vermonters independence, and bill opponents believe that it will open up Vermonters to misclassification so employers can avoid paying benefits.

There were many bills that did not meet the crossover deadline for this legislative session. It is always possible that language from these bills will be added to other bills that are still moving through the process, but here is the list of labor and employment related bills that did not make the cut:

S.0254. Paid Family Leave: creation of a Family Leave Insurance Program within the Department of Labor that will provide employees with six weeks of paid family leave and that will be funded by contributions from employers and employees.

S.0247. Create record keeping and reporting requirements in relation to the equal pay provisions of Vermont's Fair Employment Practices Act.

S.0213. Parental leave insurance benefits; Establish a private insurance system for the provision of up to five weeks of paid leave for the birth or adoption of a child.

S.0211. Vermont Commission on Employee Misclassification

S.0015. Absence from work for health care and safety

H.0834. Permit an individual of a victim of domestic violence and is discharged for misconduct related to that domestic violence to receive unemployment compensation.

H.0808. Require employers to give an accommodation to a pregnant employee unless the accommodation would impose an undue hardship on the employer.

H.0801. Prohibit employers from making non-job related inquiries that indicate a preference, limitation, specification, or discrimination based on a protected characteristic.

H.0799. Workers' Compensation: Clarify that an employer or insurance carrier that is liable to provide compensation for a worker's injury shall also pay the worker's wages for work time that is missed to attend treatment or medical appointments; to clarify provisions related to vocational rehabilitation assessments; and to provide for the electronic filing of evidence related to an injury.

H.0798. Require employers to inform an employee when his or her employment by the employer will not make the him or her eligible for unemployment benefits.

H.0767. Direct the Commissioner of Financial Regulation to adopt rules requiring workers' compensation insurers to permit employers to pay workers' compensation premiums on a quarterly basis.

H.0688. Establish a good cause standard for termination of employment in Vermont.

H.0673. Direct the State to enhance workplace flexibility within State government, and to create a tax credit for employers that adopt alternative workplace and telecommuting programs.

H.0331. Provide for purposes of workers' compensation insurance, that a purpose shall not be considered the employer of a sole proprietor, a partner owner of an unincorporated business, or an exempt officer of a corporation or L.L.C. if the person contracts with the sole proprietor, unincorporated business corporation, or L.L.C.

H.0260. Raise the minimum wage to \$15.00 per hour for all employees and to eliminate the separate basic wage rate for service or tipped employees.

H.0216. Amend the test to determine whether the sole proprietor or partner owner of an unincorporated business is an employee for purposes of workers' compensation.

For more information about the SHRM Vermont State Council Legislative Employment Law and Legislative Advocacy Update, please contact Shelley Field at 802-772-2215 or shelley.field@casella.com.