

Highlights for Week of February 20, 2017

STATE OF VERMONT

Four bills of interest were just released in the House of Representatives:

H. 374 - An act relating to reducing the cost of workers' compensation in high-risk occupations and industries

Subject: Labor, banking and insurance, workers' compensation

Introduced by Representatives Botzow, Patridge, Lawrence and Marcotte

Statement of purpose of bill as introduced:

This bill proposed to direct the Department of Financial Regulation to identify industries and occupations whose workers' compensation insurance pools are characterized by high risk, high premiums, and few policy holders, and to examine various approaches to reducing the cost of workers' compensation for these industries and occupations, including the use of risk pooling, self-insured trusts, voluntary safety practice certifications, and best practices from other states.

H. 375 - An act relating to creating a family-friendly workplace tax credit

Subject: Taxation and finance, income taxes, tax credit, flexible workplace, child care

Introduced by Representatives Burke and O'Sullivan

Statement of purpose of bill as introduced:

This bill proposes to create a tax credit for employers that provide a subsidy for child care or offer employees certain flexible working arrangements.

A "Qualified family-friendly workplace program" is defined as a program that permits employees to elect to participate in a flexible work schedule, a job share, or provides subsidized child care. Subsidized child care means a program whereby the employer pays a minimum of 25 percent of the cost of the child care services for each child or dependent of an employee that receives child care services.

The tax credit would be in the amount of \$150 for each full time equivalent employee participant in the flexible work schedule or job share options, plus 10% of the employer's expenditures for subsidized child care.

This program would be overseen by the Agency of Commerce and Community Development.

H.376 – An act relating to occupational safety and workers' compensation

Subject: Labor, occupational safety and health, workers' compensation

Introduced by Representatives Botzow, Marcotte and O'Sullivan

Statement of purpose of bill as introduced:

This bill proposes to update the civil penalties under the Vermont Occupational Safety and Health Act.

The Review Board would continue to be tasked with giving due consideration to the appropriateness of the penalty with respect to the size of the business or operation of the employer being assessed, the gravity of the violation, the good faith of the employer, and the history of previous violations.

Willful Violation Involving a Death: Civil penalty of not more than \$126,749 for each violation, or by imprisonment for not more than one year, or both.

Willful Violations: Civil penalty of not more than \$126,749 for each violation, but not less than \$5000.

Serious Violations: Civil penalty of up to \$12,675 for each violation.

Other than Serious Violations: Civil penalty of up to \$12,675 for each violation.

Failure to Correct a Violation: Civil penalty of not more than \$12,675 for each day during which the failure or violation continues.

Posting Requirement Violation by an Employer: Civil penalty of up to \$12,675 for each violation.

All civil penalties would be increased each January 1 to reflect the Consumer Price Index, CPI-U, U.S. City Average.

H.391 An act relating to expanding dual enrollment opportunities for career and technical education

Subject: Workforce development, education, career technical education, dual enrollment

Introduced by Representatives Marcotte, Botzow, Hill, Kimbell, McCoy, Myers, O'Sullivan

Statement of purpose of bill as introduced:

This bill proposes to direct the Agency of Education to assist the University of Vermont and the Vermont State Colleges in development memoranda of understanding with each regional CTE center and each comprehensive high school to facilitate dual enrollment and the awarding of secondary and postsecondary credits for career technical courses, and to require the University of Vermont and the Vermont State Colleges to enter into memoranda of understanding, as developed with the Agency, with each regional CTE center.

Two bills of interest in the Senate had first readings, both heard in the Senate Committee for Economic Development, Housing and General Affairs:

S.73 An act relating to the Vermont Commission on Employee Misclassification

Subject: Labor, workers' compensation, unemployment insurance, income taxation, employee misclassification

Introduced by Senators Sirotkin and Baruth

Statement of purpose of bill as introduced:

This bill proposes to create an interagency commission to investigate, evaluate and address the negative impacts from employee misclassification in Vermont on workers' compensation rates, unemployment insurance contributions, and State tax revenues, and to recommend changes to Vermont's workers' compensation, unemployment insurance, tax, and other laws to improve the clarity and consistency of the laws relating to employee classification. This bill also proposes to permit the Attorney General to enforce complaints of employee misclassification under the workers' compensation and unemployment insurance laws.

The draft legislation calls for an update to the statutory definitions of "employee" and "independent contractor", and other related terms, as well as a call to share information between State agencies and departments in relation to employee misclassification and implementation of an outreach campaign to educate and inform employers, workers and the general public about requirements of employee classification.

S.82 An act relating to paid family leave

Subject: Labor, employment practices, paid family leave

Introduced by Senators Sirotkin and Cummings

Statement of purpose of bill as introduced:

This bill proposes to create a Family Leave Insurance Program within the Department of Labor that will provide employees with 12 weeks of paid family leave and that will be funded by contributions from employers and employees. This bill also proposes to amend Vermont's existing family leave law to extend coverage to additional employees, to clarify certain provisions, and to create an exemption from the law's rehiring requirements for employers that employ the equivalent of four or fewer full time employees.

This is comprehensive draft legislation, more to follow. Please click on this link to read the bill as introduced:

<http://legislature.vermont.gov/bill/status/2018/S.82>

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.