

Highlights for Week Ending February 4, 2017

STATE OF VERMONT

Governor Phil Scott proposed some governmental restructuring, including the merging of the Departments of Liquor and Lottery, changing certain state IT programs and the merger of the Department of Labor and Agency of Commerce and Community Development to create an “Agency of Economic Opportunity”. A major goal of that Agency would be to train out of work Vermonters for good paying jobs.

The Vermont Legislature has five more works of week before the cross over deadline, at which time a bill has to pass either the House or Senate to move to the other legislative body. A handful of bills were released that may be of interest to human resources professionals:

H. 0196 - An act relating to paid family leave

On February 2, a proposal for paid leave was announced by Democratic lawmakers. The bill would create a “Family Leave Insurance Program” for up to 12 weeks of paid family leave, to be funded by a 0.93 percent payroll tax to be divided evenly between the employer and the employee (ex: a \$50,000 salary would result in an annual payroll tax of \$465.00 to be split). The Department of Labor would oversee the program. The Commissioner would have the authority to set the rate of contribution every two years, however, the rate would not exceed one percent of each employee’s wages, and if one percent is not sufficient, the Commissioner would reduce the rate of the benefits to maintain the solvency of the fund.

Per its supporters, the bill is designed to incentivize young middle class families to state in Vermont. The cost of the program is estimated at \$79 million. Governor Phil Scott was not endorsing the proposal when asked, and is holding firm that he does not plan on raising taxes or fees. California, New Jersey and Rhode Island already have state-run family and medical leave in place.

H. 0109 - An act relating to a study committee concerning contingent workers

This bill before the House Committee on General, Housing and Military Affairs is designed to create a committee to study contingent work and workers in Vermont, and to study mechanisms for creating portable employee benefits for freelance workers (e-commerce, self-employed workers, contingent workers, or workers in the “on-demand” economy). The Committee is to study the prevalence and types of contingent work in the state, numbers and geography of contingent workers, current employer practices for these workers, applicability of Vermont’s employment laws as they relate to these workers, the availability of “safety nets” for contingent workers, and funding models for mechanisms that could replace or augment said “safety nets”.

The written report from the committee would be due by January 15, 2018.

H.0137 – An act relating to workers’ compensation premiums

A bill before the House Committee on Commerce and Economic Development would task the Department of Financial Regulation, along with the Department of Labor, to examine why workers’ compensation premiums are higher in Vermont than in New Hampshire for certain occupations. The report is to include recommendations for legislative, regulatory or administrative changes that could reduce the premiums.

H.167 An act relating to establishing drug possession thresholds to distinguish misdemeanor and felony crimes

This bill before the House Judiciary Committee would change the illegally possessed amount of cocaine, heroin, depressant, stimulant and narcotic drugs that distinguishes between misdemeanor and felony crimes.

H.170 An act relating to possession and cultivation of marijuana by a person 21 years of age or older

This bill before the House Judiciary Committee proposes to:

- Remove all criminal and civil penalties for possession of two ounces or less of marijuana and cultivation of two mature marijuana plants and seven immature marijuana plants for a person who is 21 years of age or older;
- Adjust the civil and criminal penalties for possession and cultivation of marijuana in amounts in excess of the legalized amounts;
- Establish civil penalties for consuming marijuana in public and cultivating marijuana in a manner that is not on property lawfully in possession of the cultivator or without the consent of the person in lawful possession of the property or outside an enclosure that is screened from public view;
- Establish criminal penalties and a civil action for furnishing marijuana to a person under 21 years of age; and
- Establish a crime of chemical extraction of marijuana

There is no mechanism in the bill for the regulation or taxation of marijuana products.

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.