

May 24, 2017



STATE OF VERMONT – SUMMARY OF SESSION CLOSE

The Vermont Legislature officially came to a close on Friday, May 19, but will be back in special session in mid-June to address the budget (vetoed by Governor Scott) and a handful of other important bills.

H. 136, Accommodations for pregnant employees.

Now known as Act 21, this was signed in to law by Governor Scott on May 4, 2017.

The Attorney General’s Office will be in charge of enforcing Act 21. AG TJ Donovan stated “For decades, Vermont employers have been doing a great job accommodating workers with disabilities. Applying that same positive mindset to helping out expectant or new mothers makes sense and is the right thing to do.”

For full text of Act 21:

<http://legislature.vermont.gov/bill/status/2018/H.136>

H.196, Paid Family Leave

This bill as passed in the House will be considered by the Senate in 2018.

H.462, An act relating to social media privacy for employees

Signed in to law on May 17, 2017

This law prohibits an employer from requiring or requesting that an employee or applicant disclose personal social media account information effective January 1, 2018.

Text of law as enacted:

<http://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT037/ACT037%20As%20Enacted.pdf>

S.22, An act relating to eliminating penalties for possession of limited amounts of marijuana by adults 21 years of age and older

Both the House and Senate passed legislation relating to the legalization of marijuana this term, a first for any legislature in the country. All other jurisdictions (eight states and Washington D.C.) legalized marijuana by ballot measure during an election. The bill landed on Governor Scott’s desk, and Vermonters have eagerly been waiting for his next move. The Governor vetoed the legislation this week and sent it back to the legislature for further modifications. His concerns about the bill as written are: lack of clarity around penalties for sale or

marijuana to minors, driving and usage of marijuana in the presence of minors, wanting to ensure that public safety officials can continue to enforce all remaining drug laws, and recommended changes to the membership of the Marijuana Regulatory Commission proposed in the legislation. Governor Scott stated he is amenable to compromise, even as early as during the special session next month, and for now, has given control of the process back to the legislature.

Read Governor Scott's letter explaining his veto position, attached.

S.135, An act relating to promoting economic development

Section C of this bill allows for the creation of a public retirement option for small businesses called the "Green Mountain Secure Retirement Plan". It is set to be put in to play by January 2019. The Plan will be open to employers with less than 50 employees that have not historically offered retirement plans to their employees, as well as the self-employed.

A three year study was conducted by the Public Retirement Study Committee with oversight from the Treasurer's Office. It was determined in the study that the state would feel a huge impact on budget and social service programs if the employees of small employers, as well as the self-employed, do not have an opportunity to plan and save for retirement.

To read the announcement made by the Office of the State Treasurer:

<http://www.vermonttreasurer.gov/news/small-business-retirement-plan-passes>

FEDERAL FOCUS

In March of this year, SHRM A-Team Member Lisa Ponder of Colorado testified in front of Congress concerning the EEO-1 reporting requirements. A focus of her testimony was specific concerns about the EEO-1, including privacy protection and the capabilities of the data collection tool to truly determine pay discrimination. On behalf of SHRM, Ms. Ponder requested that the EEOC not move forward with implementation of the EEO-1.

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