

Highlights for week ending March 18, 2016

**STATE OF VERMONT**

**H.773 An act relating to classification of employees and independent contractors**

This bill was voted out of House Commerce and Economic Development last week, and hit the House floor for discussion this week. An amendment was introduced by Representative Pearson (Progressive, Chittenden County) and includes the following changes:

- Limits the number of independent contractors an employer could hire at a job site that do “like work”
- Moves enforcement of Workers’ Comp Insurance issues to the Attorney General’s Office
- Gives additional authority to the Department of Labor Commissioner to determine if a person is an independent contractor by updating the definitions section to read “A person is an employee *unless it is shown to the satisfaction of the commissioner that the individual...*”

Another amendment was brought to the forefront by Representative David (Progressive, Orange County) that would also transfer enforcement powers to the AG’s Office.

The bill will be back on the House floor for discussion on Tuesday of this week.

**H.261 Criminal record inquiries by an employer (Ban the Box)**

The bill has passed out of the House, and will now move to the Senate for discussion and a potential vote.

Vermont House Speaker Shap Smith was quoted as follows:

“The House’s vote to ban the box is a vote for compassion, redemption, and opportunity. The current policy of screening for criminal histories in preliminary job applications puts a barrier in the way of successfully finding employment. This bill eliminates the practice so employers can focus their hiring decisions on an applicant’s potential, not their past. By removing this wall, Vermonters will have more opportunities to succeed. I am proud that the House has advanced this important measure.”

**IN FEDERAL NEWS...**

Following up on the Equal Employment Opportunity Commission (EEOC) data discussed in the update of last week, the EEOC has issued a new fact sheet for small businesses. The one page fact sheet titled “Preventing Discrimination is Good Business” contains information about non-discrimination obligations of small business owners.

You can download the fact sheet at [www.eeoc.gov/eeoc/publications](http://www.eeoc.gov/eeoc/publications)

For more information about the SHRM Vermont State Council Employment Law & Legislative Advocacy Update, please contact Shelley Field at [shelley.field@casella.com](mailto:shelley.field@casella.com) or (802) 772-2215.