

Highlights for Week of April 17, 2017

STATE OF VERMONT

As the legislature sends signals it will be winding down, it is clear that a handful of bills that we have been tracking this session may be tabled until the next session.

Draft paid family leave legislation remains in the House Ways & Means Committee, and *may* move forward for a floor debate in the coming weeks. The legalization of marijuana does not seem to be moving forward in the Senate, they have yet to take comment from the public, and the current House bill they have reviewed does not address concerns such as driving under the influence of marijuana or a marijuana black market, creating uncertainty about support of that version of the legislation in the Senate. Creation of a new bill by the Senate seems unlikely at this point in the term.

Two workplace bills originally generated in the House were approved by the Senate Economic Development, Housing and General Affairs Committee: H.460, An act relating to social media privacy for employees, as well as H.136, An act relating to accommodations for pregnant employees, mandating that employers must provide reasonable accommodations for an employee's pregnancy-related condition unless it imposes an undue hardship on the employer.

The fate of Uber in the Green Mountain State? The Senate Judiciary Committee passed a bill that would cause Uber to have to stop operating in the limited geography it currently exists in Vermont if approved.

FEDERAL FOCUS

Overtime Regulations Update

With continued lack of certainty on who will lead the Department of Labor, the Department of Justice, on behalf of the DOL, has requested another extension to file their reply brief with the 5th Circuit through June 30. The fate of the increase of a white collar salary level remains uncertain.

Wellness Program Clarification Legislation Halted

Federal House Bill H.R. 1313, pushed out of the House Education and Workforce Committee last month, has stalled in the House of Representatives. H.R. 1313 has the strong support of businesses, but has been attacked by disability groups. The goal of the legislation is to clarify conflicting rules and regulations dictating workplace wellness programs for employers, but opponents have concerns that it would require employees to disclose genetic information protected under GINA. Proponents of the bill have raised the protections that are provided to employees under HIPAA, and the prohibitions in place to protect the disclosure of an employee's genetic or other protected health information. Read more from bill sponsor Representative Virginia Foxx, R-N.C. in her opinion piece: <http://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=401567>

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.