

**STATE OF VERMONT**

This week marks what will likely be the last of the legislative session for this spring, and the legislature may be back in the fall for a “special session” to manage through the impacts of potential changes in funding from the federal government.

The Independent Contractor bill continued to be worked on by the House Commerce & Economic Development Committee over the last couple of weeks, but now officially appears defunct for now.

**H. 136, Accommodations for pregnant employees.**

Approved by House and Senate and has been sent to Governor Scott for consideration.

The bill is designed to ensure employers provide reasonable accommodations to employees with a pregnancy-related condition, childbirth or a related medical condition. Reasonable accommodations are already required to be offered under other employment laws, however, they are tied to the employee being able to perform the essential functions of the job on an ongoing basis. H. 136 does not require that the employee be able to perform essential functions, thereby may allow for a great deal of flexibility for employees and increase complexity for employers in finding a position that will work for pregnant employees in need of an accommodation.

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

After a great deal of debate, this bill was approved by the House by a vote of 74-68 late in the evening on May 2. A final reading will take place on May 3. This legislation removes all penalties for possession of up to an ounce of marijuana and allows for growth of two mature and four immature marijuana plants per Vermont household.

There is no proposed regulatory structure for pot sales as part of the bill, and there is no certainty that the Governor will sign the legislation.

**H.196, Paid Family Leave**

This bill was voted out of House Appropriations with a 7-4 vote, and appears to have support for passage by the full body of the House after a voice vote on the House floor on May 2.

H.196 calls for creation of a six week paid family leave program funded via a 0.141 percent payroll tax on Vermont employees. The Department of Labor would oversee the fund and the program would be run similarly to the unemployment insurance fund.

An employee would have to work for at least a year for an employer, and pay consistently in to the paid family leave program fund. The employee would then be eligible to be reimbursed for up to 80% of their pay, with a maximum pay out of \$1000 per week.

This bill will not be considered by the Senate this session.

## FEDERAL FOCUS

### **H.R. 1180, Working Families Flexibility Act of 2017**

On April 26, the House Education and Workforce Committee voted on this bill at a margin of 22-16. SHRM supports this legislation, which is designed to amend the Fair Labor Standards Act to allow private sector employers to provide non-exempt employees with either paid time off or cash wages for overtime hours worked. Public sector employees currently have this option.

The legislation would allow employees to either build up comp time (up to 160 hours) for future use or get paid in cash for overtime hours worked. Any comp time hours not used at the end of the year would be paid out to the employee. A written agreement would be in place between the employer and employee concerning the use of comp time and no employee could be forced to take comp time in lieu of pay.

The bill is scheduled for vote on the House floor in the near future.

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](mailto:shelley.sayward@casella.com).