

STATE OF VERMONT

Despite a continually quiet legislative schedule, February, March, and April did bring a couple of interesting bills to note relating to Human Resources topics.

House

H.430 Expanding eligibility for Dr. Dynasaur:

This bill proposes to expand eligibility for Dr. Dynasaur to all income-eligible children and pregnant individuals, regardless of immigration status, by July 1, 2022. It would appropriate one-time funds to the Agency of Human Services to begin implementing the expansion and would direct the Agency to include the full costs of covering income-eligible pregnant women and children who are undocumented immigrants on Dr. Dynasaur in the Agency fiscal year 2023 budget proposal.

H.449 Membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force

The bill makes numerous changes to the membership and duties of the existing Vermont Pension Investment Committee (VPIC), codifies various pension reporting requirements into statute, and creates a 15-member Task Force to review and report on the benefits, design, and funding of Vermont's state employee and teacher retirement systems (VSERS and VSTRS).

Senate

S.6 Commissioner of Labor's authority to recommend a subminimum wage for individuals with a disability

This bill proposes to repeal the Commissioner of Labor's authority to recommend a subminimum wage (below federal minimum wage) for individuals with a disability. (Essentially amending section 14c of the Fair Labor Standards Act as follows):

[The Commissioner's authority] To recommend a suitable scale of rates for learners, and apprentices, ~~and persons with disabilities,~~ which may be less than the regular minimum wage rate for experienced workers ~~without disabilities.~~

Since 1938, many thousands of sheltered workshops where employees are paid less than minimum wages have been certified under Section 14(c), and although their number is dwindling, according to the Department of Labor, there are still over 1,500 such workshops employing over 100,000 persons with disabilities, although an exact count of the total number of individuals working for subminimum wages is unavailable and other estimates are much higher. Some states have prohibited payment of subminimum wages and sheltered workshops altogether, but according to 2020 federal data, there are currently 14(c) certificate holders in 46 states and the District of Columbia. That is, all states except four (Maine, New Hampshire, Rhode Island and Vermont) currently have at least one 14(c) certificate allowing the employer to pay subminimum wages. Four other states (Alaska, Maryland, Oregon and Texas) are in the process of phasing out subminimum wages, although they currently still have operating 14(c) certificates.

U.S. Commission on Civil Rights. (2020). *Subminimum Wages, Impacts on the Civil Rights of People with Disabilities*. <https://www.usccr.gov/files/2020-09-17-Subminimum-Wages-Report.pdf>

Links to all bills:

House bills: <https://legislature.vermont.gov/bill/all-house/2022>

Senate bills: <https://legislature.vermont.gov/bill/all-senate/2022>

House committee assignments can be found by clicking on the following link:

<https://legislature.vermont.gov/committee/list/2020/House-Standing#House-Standing>

Senate committee assignments can be found by clicking on the following link:

<https://legislature.vermont.gov/committee/list/2020/Senate-Standing#Senate-Standing>

For more information about the SHRM Vermont State Council Legislative Update, please contact Justin Cadoret at justin.cadoret@nsbvt.com