1	H.688
2	Introduced by Representatives Deen of Westminster, Carr of Brandon,
3	Chesnut-Tangerman of Middletown Springs, Connor of
4	Fairfield, Davis of Washington, Donovan of Burlington, Fields
5	of Bennington, Gonzalez of Winooski, Jewett of Ripton, Lenes
6	of Shelburne, Macaig of Williston, O'Sullivan of Burlington,
7	Pearson of Burlington, Poirier of Barre City, and Sullivan of
8	Burlington
9	Referred to Committee on
10	Date:
11	Subject: Labor; employment practices; good cause employment
12	Statement of purpose of bill as introduced: This bill proposes to establish a
13	good cause standard for termination of employment in Vermont.
14	An act relating to good cause employment
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	Sec. 1. FINDINGS
17	The General Assembly finds:
18	(1) The Vermont statutes offer workers protection from many forms of
19	arbitrary or discriminatory treatment in the workplace.

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1	(2) Some Vermont workers enjoy protections from termination for no
2	reason or termination for an arbitrary, capricious, trivial, or pretextual reason
3	pursuant to a collective bargaining agreement or contract.
4	(3) Other Vermont workers, however, do not enjoy such protections.
5	Those workers are known as "at will" employees. An "at will" employee may
6	be discharged for any reason that is not prohibited by law or public policy, or
7	for no reason at all.
8	(4) Currently, absent an agreement between an employer and an
9	employee to the contrary, an employee is presumed to be an "at-will"
10	employee in 49 out of 50 U.S. states.
11	(5) However, Montana and most industrialized countries provide
12	workers with legal protections against arbitrary dismissal. Among other
13	things, Montana's law makes it illegal to discharge an employee for other than
14	"good cause" after the employee has completed his or her probationary period.
15	"Good cause" can include a variety of legitimate business reasons, including
16	an employee's failure to perform his or her job duties satisfactorily, disruption
17	to the employer's operations, or other economic factors.
18	(6) The additional job security that a "good cause" standard for
19	dismissal provides will distinguish Vermont from other states and make it a
20	more attractive place for workers and families to relocate, live, and raise a
21	<u>family.</u>

1	Sec. 2. 21 V.S.A. § 495 is amended to read:
2	§ 495. UNLAWFUL EMPLOYMENT PRACTICE
3	* * *
4	(b)(1) It shall be an unlawful employment practice for an employer to
5	discharge an employee for other than good cause shown. As used in this
6	subdivision, "good cause" means either a reasonable, good-faith reason for
7	discharge related to a legitimate business reason or that the employee has been
8	employed by the employer for less than 90 days. "Good cause" does not
9	include reasons for discharge that are trivial, arbitrary, capricious, or otherwise
10	unrelated to a legitimate business reason.
11	(2) The provisions of this section shall not be construed to limit:
12	(A) the rights of employers to discharge employees for good cause
13	shown <u>; or</u>
14	(B) any other rights of employees provided pursuant to law, or in a
15	collective bargaining agreement or contract.
16	* * *
17	Sec. 3. EFFECTIVE DATE
18	This act shall take effect on July 1, 2016.