

1 H.109

2 Introduced by Representatives Botzow of Pownal, Marcotte of Coventry, Hill
3 of Wolcott, Kimbell of Woodstock, Myers of Essex, O’Sullivan
4 of Burlington, Stuart of Brattleboro, and Sullivan of Dorset

5 Referred to Committee on

6 Date:

7 Subject: Labor; employment practices; contingent workers; self-employed
8 workers; benefits

9 Statement of purpose of bill as introduced: This bill proposes to create a study
10 committee to study contingent work and workers in Vermont and to study
11 mechanisms for creating portable employment benefits to address the needs of
12 individuals who are freelance workers in e-commerce, self-employed workers,
13 contingent workers, or workers in the “on-demand” economy.

14 An act relating to portable employment benefits and contingent workers

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. CONTINGENT WORK AND PORTABLE EMPLOYEE BENEFITS

17 STUDY COMMITTEE

18 (a) Creation. There is created the Contingent Work and Portable Employee
19 Benefits Study Committee.

1 (b) Membership. The Committee shall be composed of the following
2 four members:

3 (1) the Commissioner of Labor or designee;

4 (2) the Commissioner of Financial Regulation or designee;

5 (3) the State Treasurer or designee; and

6 (4) the Secretary of Commerce and Community Development or
7 designee.

8 (c)(1) Powers and duties. The Committee shall study contingent work and
9 workers in Vermont; and mechanisms for creating insurance, retirement, and
10 other types of employment benefits that are portable and easily accessible to
11 workers who are not employed as traditional full-time or permanent
12 employees, including freelance workers in e-commerce, self-employed
13 workers, contingent workers, and workers in the on-demand economy. In
14 particular, the Committee shall study the following issues:

15 (A) the prevalence and types of contingent work in Vermont;

16 (B) the number, types, and geographic distribution of contingent
17 workers in Vermont;

18 (C) the current practices, policies, and procedures of employers in
19 relation to contingent workers;

20 (D) the applicability and efficacy of Vermont's employment laws
21 with respect to contingent workers;

1 (E) the availability of traditional social safety nets to workers who are
2 not employed as traditional full-time or permanent employees, including
3 freelance workers in e-commerce, self-employed workers, contingent workers,
4 and workers in the on-demand economy;

5 (F) the necessity for new mechanisms to replace or augment
6 traditional social safety nets for workers who are not employed as traditional
7 full-time or permanent employees;

8 (G) potential mechanisms that could replace or augment traditional
9 social safety nets for workers who are not employed as traditional full-time or
10 permanent employees; and

11 (H) potential funding models, including both worker- and
12 consumer-driven funding models, for mechanisms that could replace or
13 augment traditional social safety nets for workers who are not employed as
14 traditional full-time or permanent employees.

15 (2) As used in this subsection:

16 (A) “Contingent worker” means a worker who is not considered a
17 permanent employee, including a temporary employee, leased employee, home
18 worker, freelance worker, consultant, or an individual classified as an
19 independent contractor.

20 (B) “Traditional social safety nets” means governmental and
21 employer provided insurance and benefit programs such as group health

1 insurance, employer-sponsored life insurance, employer-sponsored retirement
2 plans, unemployment insurance, and workers' compensation.

3 (d) Assistance. The Committee shall have the administrative, technical,
4 and legal assistance of the Departments of Labor and of Financial Regulation.

5 (e)(1) Commissioner of Labor; survey of employers. On or before
6 September 15, 2017, the Commissioner of Labor shall conduct a survey of
7 Vermont employers relating to the Committee's study of contingent work and
8 workers as set forth in subdivisions (c)(1)(A) through (c)(1)(D) of this section.
9 The Commissioner shall report to the Committee on the results of the survey
10 on or before November 15, 2017.

11 (2) Any employer surveyed by the Commissioner in relation to this
12 section shall provide the requested information to the Commissioner within
13 30 days of receiving the survey.

14 (3) An individual employer's responses pursuant to this section shall be
15 exempt from public inspection and copying under the Public Records Act and
16 shall be kept confidential.

17 (4) The Commissioner may aggregate the information provided in
18 employer responses and shall only disclose or publish information provided by
19 employers in aggregated or statistical form.

1 (f) Report. On or before January 15, 2018, the Committee shall submit a
2 written report to the General Assembly with its findings and any
3 recommendations for legislative action.

4 (g) Meetings.

5 (1) The Commissioner of Labor shall call the first meeting of the
6 Committee to occur on or before September 15, 2017.

7 (2) The Committee shall select a chair from among its members at the
8 first meeting.

9 (3) A majority of the membership shall constitute a quorum.

10 (4) The Committee shall cease to exist on January 15, 2018.

11 Sec. 2. EFFECTIVE DATE

12 This act shall take effect on July 1, 2017.