

1 H.408

2 Introduced by Representatives Weston of Burlington, Buxton of Royalton,
3 Clarkson of Woodstock, Davis of Washington, Edwards of
4 Brattleboro, Klein of East Montpelier, Larson of Burlington,
5 Lorber of Burlington, Miller of Shaftsbury, Munger of South
6 Burlington, Pearson of Burlington, Poirier of Barre City, Ram
7 of Burlington, Spengler of Colchester, Stevens of Waterbury,
8 Stuart of Brattleboro, Till of Jericho, Webb of Shelburne and
9 Young of Albany

10 Referred to Committee on

11 Date:

12 Subject: Parental leave; baby bonding program

13 Statement of purpose: This bill proposes to establish a system giving qualified
14 employees up to 15 weeks of paid leave for the birth or adoption of a child.

15 An act relating to baby bonding

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

17 Sec. 1. FINDINGS AND PURPOSE

18 The general assembly finds that:

19 (1) Dramatic social and economic changes have brought about a
20 significant increase in the number of families in which all parents work. Time

1 to bond with new children stabilizes society by allowing parents time to care
2 for a new child, form strong emotional bonds with the child, and establish a
3 secure system of child care. Providing time to bond with new children assures
4 that working people have a real rather than illusory right to care for and bond
5 with their children.

6 (2) Approximately twenty-five percent of all periods in which a person
7 or a household experiences poverty begin with the birth of a child. The birth
8 of a child should be a joyous occasion and not a precursor to poverty.

9 (3) Time for parents to bond with new babies or children results in better
10 long term outcomes for the child.

11 Sec. 2. 21 V.S.A. §§ 472c and 472d are added to read:

12 § 472c. PARENT-BABY BONDING PROGRAM

13 (a) Beginning July 1, 2012, a qualified employee, which for the purposes of
14 this section means an employee who is covered by chapter 17 of this title, may
15 be entitled to baby bonding benefits for a total period not to exceed 15 weeks.
16 The 15-week leave may be used intermittently or consecutively by the day or
17 week during the year after benefits begin for birth of the employee's child or
18 the initial placement for adoption of a child 16 years of age or younger during
19 the year following the arrival of the child.

20 (b) A qualified employee may file an application for benefits under this
21 section with the commissioner on a form provided by the commissioner at least

1 five days before the arrival of a child. The commissioner shall determine
2 eligibility of the employee based on the following criteria:

3 (1) The employee is qualified.

4 (2) The purposes for which the claim is made are documented.

5 (3) The employee provided the employer with reasonable advance
6 notice of the requested leave.

7 (c) An employee awarded benefits under this section shall receive
8 two-thirds of the employee's average weekly wage based on the employee's
9 wages during the eight weeks preceding the leave with a maximum of \$500.00
10 per week.

11 (d) During the baby bonding leave, the employer shall:

12 (1) Continue the employee's employment benefits at the same level and
13 under the conditions as if the employee were working during the period the
14 employee receives baby bonding leave benefits.

15 (2) Offer the employee when the employee returns to work the same or
16 comparable job at the same level of compensation, employment benefits,
17 seniority, or any other condition of employment that the employee had on the
18 day the leave commenced.

19 (3) Comply with a collective bargaining agreement or employer policy
20 that provides greater leave for the birth or placement of a child.

1 (e) If two employees from the same family request leave under this section,
2 the employer may require that the employees take leave at separate times.

3 (f) Receipt of benefits pursuant to this section shall not diminish an
4 employee's right to leave provided by a collective bargaining agreement or
5 employer policy. An employer may require that leave taken under this section
6 be taken concurrently with leave provided pursuant to sections 472 and 472b
7 of this title.

8 (g) The commissioner shall make a determination of each claim no later
9 than five days after the date the claim is filed, and benefits shall be paid from
10 the baby bonding fund created pursuant to section 472d of this title. An
11 employee or employer aggrieved by a decision of the department under this
12 chapter may file with the commissioner a request for reconsideration within 30
13 days after receipt of the commissioner's decision. Thereafter, an applicant
14 denied reconsideration may file an appeal to the superior court in the county
15 where the employment is located.

16 § 472d. BABY BONDING FUND

17 (a) A baby bonding fund is created pursuant to subchapter 5 of chapter 7 of
18 Title 32 to be expended by the commissioner for the benefits awarded and
19 administration of the baby bonding program. The fund shall consist of a tax to
20 be deducted from employees' wages. The employer shall submit these taxes to
21 the commissioner in a form and at times determined by the commissioner.

1 (b) Annually, the commissioner shall determine the projected demands on
2 the fund and adjust the employee tax rate in subsection (a) of this section to
3 assure that the tax is the lowest rate necessary to pay projected benefits and
4 associated administrative costs. The commissioner shall file an annual report
5 to the general assembly explaining the rate set for that year.

6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on July 1, 2011, and on January 1, 2012,
8 employers shall begin deducting taxes from employees' wages and, beginning
9 July 1, 2012, qualified employees may begin to receive benefits under this law.