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H.572

Introduced by Representatives Cross of Winooski, Campion of Bennington,  
Deen of Westminster, French of Randolph, Kitzmiller of  
Montpelier, Klein of East Montpelier, Krowinski of Burlington,  
Poirier of Barre City, Rachelson of Burlington, Spengler of  
Colchester, Stevens of Waterbury, Townsend of South  
Burlington, and Woodward of Johnson

Referred to Committee on

Date:

Subject: Labor; employment practices; large retailer accountability

Statement of purpose of bill as introduced: This bill proposes to establish  
standards for responsible business practices by large retailers by ensuring that  
they pay living wages and provide benefits.

An act relating to large retailer accountability

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

Sec. 1. 21 V.S.A. § 398 is added to read:

§ 398. LARGE RETAILER ACCOUNTABILITY; LIVING WAGES

(a) As used in this section:

1           (1) “Business” means any natural person, corporation, partnership,  
2           limited liability company, joint venture, sole proprietorship, association, trust  
3           or any other entity.

4           (2) “Employee” includes employees of a large retailer who are regularly  
5           employed on or about the premises of a retail store, and persons who regularly  
6           work on or about the premises of a large retailer’s retail store for the benefit of  
7           that retailer’s business, whether as a contractor, subcontractor, tenant,  
8           subtenant, licensee, or sublicensee, or as an employee thereof, and spend an  
9           average of ten or more hours per week there for four or more weeks.

10           “Employee” does not include any managerial or administrative employees  
11           receiving more than \$50,000.00 per year in wages, salary, bonus, commission,  
12           or other compensation from a large retailer.

13           (3) “Large retailer” means any business that operates a retail store  
14           located in the State where:

15           (A) the parent company operates at least one retail store with indoor  
16           premises larger than 75,000 square feet. For the purposes of this definition, the  
17           indoor premises of adjacent stores shall be aggregated if the stores share check  
18           stands, management, a controlling ownership interest, a warehouse, or a  
19           distribution facility; and

20           (B) the parent company’s gross revenues total \$1,000,000,000.00 or  
21           more on an annual basis.

1           (4) “Subcontractor” means any business that performs services,  
2           including janitorial or security services, on the premises of a large retailer that  
3           holds a sublease or contract authorizing that party to occupy, use, control, or  
4           do business on the premises of the large retailer, or that performs construction  
5           work on premises that are or will be occupied by a large retailer.

6           (b)(1) Large retailers shall not employ an employee at a wage of less than  
7           \$12.48, and beginning January 1, 2015, and on each subsequent January 1, the  
8           wage shall be increased by five percent or the percentage increase of the  
9           Consumer Price index, CPI-U, US, city average, not seasonally adjusted, or  
10           successor index, as calculated by the U.S. Department of Labor or successor  
11           agency for the 12 months preceding the previous September 1, whichever is  
12           smaller, but in no event shall the livable wage be decreased. The livable wage  
13           shall be rounded off to the nearest \$0.01. If the minimum wage rate  
14           established by the U.S. government is greater than the livable wage rate  
15           established for Vermont for any year, the livable wage rate for that year shall  
16           be the rate established by the U.S. government.

17           (2) If in any year the livable wage determined in accordance with  
18           2 V.S.A. § 505 is greater than the wage determined by subdivision (1) of this  
19           subsection, then large retailers shall not employ an employee at a wage of less  
20           than that established pursuant to 2 V.S.A. § 505.

1        (c) The provisions against retaliation in section 397 of this title shall apply  
2        to this section.

3        (d) The penalty and enforcement provisions in section 394 of this title shall  
4        apply to this section.

5        Sec. 2. EFFECTIVE DATE

6        This act shall take effect on passage.