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H.168

Introduced by Representatives Botzow of Pownal, Carr of Brandon, Conquest  
of Newbury, Lenes of Shelburne, Marcotte of Coventry, Miller  
of Shaftsbury, O’Sullivan of Burlington, Sharpe of Bristol,  
Shaw of Pittsford, Sibilia of Dover, Stevens of Waterbury, and  
Toleno of Brattleboro

Referred to Committee on

Date:

Subject: Labor; employment practices; temporary workers

Statement of purpose of bill as introduced: This bill proposes to define and  
apply the protections of Vermont’s employment laws to temporary employees  
and home workers.

An act relating to contingent employees

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

Sec. 1. FINDINGS

The General Assembly finds:

(1) Contingent and alternative work arrangements, including temporary  
work, at-home work, and employee leasing, are playing an increasingly  
significant role in the economies of both Vermont and the United States.

1           (2) According to the U.S. Bureau of Labor Statistics, the number of  
2           temporary employees in the United States more than doubled between 1990  
3           and 2008 from 1.1 million to 2.3 million individuals, and temporary workers  
4           accounted for nearly 12 percent of all job growth in the recovering U.S.  
5           economy between 2009 and 2014.

6           (3) Between 2010 and 2020, the U.S. economy is expected to add an  
7           additional 631,300 jobs with employment placement agencies, temporary help  
8           services, and employee leasing companies.

9           (4) According to the U.S. Census Bureau, between 1997 and 2010, the  
10          number of full-time at-home workers grew from 4.8 percent to 6.6 percent of  
11          the U.S. workforce.

12          (5) Although contingent and alternative work arrangements play an  
13          increasingly important role in the economy, there is limited up-to-date,  
14          detailed, and accurate data regarding this growing segment of the workforce.

15          Sec. 2. 21 V.S.A. chapter 5, subchapter 14 is added to read:

16                               Subchapter 14. Contingent Employees

17          § 581. DEFINITIONS

18               As used in this subchapter:

19               (1) “Client company” means either:

20                       (A) a person who enters into an agreement with an employee leasing  
21                       company to lease any or all of its regular employees; or

1           (B) a person who enters into an agreement with a temporary help  
2           company to employ temporary employees hired by the temporary help  
3           company.

4           (2) "Contingent employee" means a temporary employee, leased  
5           employee, or home worker.

6           (3) "Employer" shall have the same meaning as in section 302 of this  
7           chapter.

8           (4) "Employment agency" shall have the same meaning as in section  
9           495d of this chapter.

10           (5) "Home worker" means an individual employed to work from his or  
11           her home by an employer for whom he or she provides services or  
12           manufactures goods according to specifications furnished by the employer that  
13           are required to be delivered upon completion to the employer or a person  
14           designated by the employer.

15           (6) "Labor organization" shall have the same meaning as in section 495d  
16           of this chapter.

17           (7) "Leased employee" means an individual employed by an employee  
18           leasing company, as that term is defined in section 1031 of this title, who is  
19           provided to a client company to perform ongoing services for an indefinite  
20           time pursuant to one or more employee leasing agreements executed between  
21           the leasing company and the client company.

1           (8) “Temporary employee” means an individual employed by a client  
2           company pursuant to an agreement with a temporary help company.

3           (9) “Temporary help company” means a person, corporation, or  
4           association engaged in the business of hiring its own employees and assigning  
5           them to clients to support or supplement the client’s workforce in certain  
6           situations, including employee absences, temporary skill shortages, seasonal  
7           workloads, and special assignments and projects.

8           § 582. TEMPORARY WORK ASSIGNMENTS; REQUIRED NOTICE

9           (a) Upon giving a temporary employee a new work assignment, a  
10           temporary help company shall provide the temporary employee with written  
11           notice of the following information related to the assignment:

12           (1) the name, address, and telephone number of the client company and  
13           the temporary help company;

14           (2) a description of the job to be performed during the work assignment;

15           (3) information regarding any hazards related to the job;

16           (4) the requirements for the work assignment, including any special  
17           clothing, equipment, training, or licenses;

18           (5) the estimated length of the work assignment;

19           (6) the rate of pay, including benefits and overtime, and the designated  
20           payday;

21           (7) the temporary employee’s expected work schedule;

1           (8) any costs permitted by law that will be charged to the temporary  
2           employee for meals, transportation, supplies, or training; and

3           (9) the name, address, and telephone number of the temporary help  
4           company's workers' compensation insurance carrier and the policy number of  
5           the temporary help company's valid Vermont workers' compensation policy  
6           with that insurance carrier.

7           (b) A temporary help company shall retain a copy of each notice required  
8           by subsection (a) of this section for three years after the termination of each  
9           work assignment. A temporary employee may request a copy of the notice at  
10           any time during the three years after the termination of the work assignment.

11           The temporary help company shall provide the temporary employee with a  
12           copy of the required notice at no charge to the temporary employee within 10  
13           days of receiving the request.

14           (c) A temporary help company shall post in a conspicuous place a notice of  
15           the rights provided to temporary employees by this section on a form provided  
16           by the Commissioner.

17           § 583. PENALTIES AND ENFORCEMENT

18           The provisions against retaliation in subdivision 495(a)(8) of this title and  
19           the penalty and enforcement provisions of section 495b of this title shall apply  
20           to this subchapter.

1       Sec. 3. STUDY OF CONTINGENT WORK IN VERMONT

2           (a) The Commissioner of Labor shall examine and evaluate:

3               (1) the prevalence and types of contingent work in Vermont;

4               (2) the number, types, and geographic distribution of contingent workers  
5               in Vermont, including temporary employees, leased employees, and home  
6               workers;

7               (3) the current practices, policies, and procedures of employers in  
8               relation to contingent workers; and

9               (4) the applicability and efficacy of Vermont's employment laws with  
10              respect to contingent workers.

11           (b)(1) Any employer surveyed by the Commissioner in relation to this  
12           section shall provide the requested information to the Commissioner within 30  
13           days.

14           (2) An employer that fails to provide the requested information to the  
15           Commissioner within 30 days of being surveyed shall be subject to a fine of  
16           \$100.00 for each day after 30 days that the employer fails to provide the  
17           requested information to the Commissioner.

18           (c) The Commissioner of Labor shall submit a report to the House  
19           Committee on Commerce and Economic Development and the Senate  
20           Committee on Economic Development, Housing and General Affairs on or  
21           before January 15, 2017. The Commissioner's report shall include the study's

1 findings and the Commissioner's recommendation for legislation to improve  
2 the protections afforded to contingent workers by Vermont's employment  
3 statutes.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on July 1, 2015.