

1 S.119

2 Introduced by Senator Cummings

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; parental leave

6 Statement of purpose of bill as introduced: This bill proposes to establish a  
7 system giving qualified employees up to 15 weeks of paid leave for the birth or  
8 adoption of a child.

9 An act relating to paid parental leave

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

11 Sec. 1. FINDINGS AND PURPOSE

12 The General Assembly finds that:

13 (1) Dramatic social and economic changes have brought about a  
14 significant increase in the number of families in which both parents work.  
15 Time to bond with new children stabilizes society by allowing parents time to  
16 care for a new child, form strong emotional bonds with the child, and establish  
17 a secure system of child care. Providing time to bond with new children  
18 ensures that working people have a real, rather than an illusory, right to care  
19 for and bond with their children.

1           (2) Approximately 25 percent of all periods in which a person or a  
2           household experiences poverty begin with the birth of a child. The birth of a  
3           child should be a joyous occasion and not a precursor to poverty.

4           (3) Time for parents to bond with a new baby or child results in better  
5           long-term outcomes for that child.

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

7           § 472c. PAID PARENTAL LEAVE PROGRAM

8           (a) Beginning on July 1, 2016, a qualified employee, which as used in this  
9           section means an employee who is covered by chapter 17 of this title, may be  
10           entitled to paid parental leave benefits for a total period not to exceed 15  
11           weeks. The 15-week leave may be used intermittently or consecutively by the  
12           day or week during the year after benefits begin for the birth of the employee's  
13           child or within a year after the initial placement of a child 16 years of age or  
14           younger with the employee for purposes of adoption.

15           (b) A qualified employee may file an application for benefits under this  
16           section with the Commissioner of Labor on a form provided by the  
17           Commissioner at least five days before the arrival of a child. The  
18           Commissioner shall determine the eligibility of the employee based on the  
19           following criteria:

20           (1) whether the employee is qualified for parental leave;

1           (2) whether the purposes for which the claim is made are  
2           documented; and

3           (3) whether the employee provided the employer with reasonable  
4           advance notice of the requested leave.

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

9           (d) In relation to an employee's paid parental leave, the employer shall:

10           (1) continue the employee's employment benefits at the same level and  
11           under the same conditions as if the employee were working during the period  
12           the employee receives leave benefits;

13           (2) when the employee returns to work, offer the employee the same or  
14           a comparable job at the same level of compensation, employment benefits,  
15           seniority, and any other condition of employment that the employee had on the  
16           day the leave commenced; and

17           (3) comply with a collective bargaining agreement or employer policy  
18           that provides greater leave for the birth or placement of a child.

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

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

6       (g) The Commissioner of Labor shall make a determination of each claim  
7       no later than five days after the date the claim is filed, and benefits shall be  
8       paid from the fund created pursuant to section 472d of this subchapter. An  
9       employee or employer aggrieved by a decision of the Commissioner under this  
10       section may file with the Commissioner a request for reconsideration within 30  
11       days after receipt of the Commissioner's decision. Thereafter, an applicant  
12       denied reconsideration may file an appeal to the Civil Division of the Superior  
13       Court in the county where the employment is located.

14       § 472d. PAID PARENTAL LEAVE FUND

15       (a) A Paid Parental Leave Fund is created pursuant to 32 V.S.A. chapter 7,  
16       subchapter 5 to be expended by the Commissioner of Labor for the benefits  
17       awarded and administration of the paid parental leave provided pursuant to  
18       section 472c of this subchapter. The Fund shall consist of a tax to be deducted  
19       from employees' wages. An employer shall submit these taxes to the  
20       Commissioner of Labor in a form and at times determined by the  
21       Commissioner.

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

6       Sec. 3. EFFECTIVE DATES

7       (a) This act shall take effect on July 1, 2015.

8       (b) On January 1, 2016, employers shall begin deducting taxes from  
9       employees' wages and beginning on July 1, 2016, qualified employees may  
10      begin to receive benefits under this act.