

1 S.133

2 Introduced by Senators Baruth and Mullin

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; fair employment practices

6 Statement of purpose of bill as introduced: This bill proposes to prohibit  
7 employers from penalizing employees who use sick leave or other benefits.

8 An act relating to an employee's use of benefits

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

10 Sec. 1. PURPOSE

11 The purpose of this act is to promote a healthy work environment by  
12 ensuring that employers do not penalize employees who use  
13 employer-provided sick leave or any other employer-provided benefit.

14 Sec. 2. 21 V.S.A. § 495j is added to read:

15 § 495j. EMPLOYEE USE OF BENEFITS

16 (a) An employer, employment agency, or labor organization shall not  
17 discharge or in any other manner discriminate against or penalize an employee  
18 because the employee has used, or attempted to use, accrued  
19 employer-provided sick leave or other employer-provided benefits.

1        (b) This section shall not:

2            (1) diminish any rights under this chapter or pursuant to a collective  
3 bargaining agreement;

4            (2) require an employer to provide sick leave or other benefits to  
5 employees; or

6            (3) prohibit the establishment and enforcement of other reasonable  
7 workplace policies that relate to an employee's use of benefits, such as policies  
8 addressing attendance incentives, tardiness or unexcused absences, procedures  
9 for using sick leave or other benefits, or seniority calculations.

10        (c) The provisions against retaliation in subdivision 495(a)(8) of this title  
11 and the penalty and enforcement provisions of section 495b of this title shall  
12 apply to this section.

13        Sec. 3. EFFECTIVE DATE

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