

Journal of the Senate

WEDNESDAY, FEBRUARY 3, 2016

The Senate was called to order by the President.

Devotional Exercises

Devotional exercises were conducted by the Reverend Robert Spainhour of Swanton.

Bill Referred

House bill of the following title was read the first time and referred:

H. 565.

An act relating to United Methodist Church property.

To the Committee on Economic Development, Housing & General Affairs.

Proposal of Amendment; Bill Passed in Concurrence with Proposals of Amendment

H. 187.

House bill entitled:

An act relating to absence from work for health care and safety.

Was taken up.

Thereupon, pending third reading of the bill, Senator Sirotkin moved to amend the Senate proposal of amendment as follows:

First: In Sec. 4, 21 V.S.A. § 483, in subdivision (a)(3), after the following: “obtain diagnostic, preventive, routine, or therapeutic health treatment” by inserting the following: , or accompanying the employee’s parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care

Second: In Sec. 4, 21 V.S.A. § 483, by striking out subsection (m) in its entirety, and inserting in lieu thereof two new subsections to be subsections (m) and (n) to read as follows:

(m) An employer who violates this subchapter shall be subject to the penalty provisions of section 345 of this title.

(n) The Commissioner shall enforce this subchapter in accordance with the procedures established in section 342a of this title. However, the appeal

provision of subsection 342a(f) shall not apply to any enforcement action brought pursuant to this subsection; and

In Sec. 4, 21 V.S.A. § 486, in subsection (b) after the words “For purposes of enforcement under subsections” by striking out the following: “483(l) and (m)” and inserting in lieu thereof the following: 483(l)–(n)

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Snelling moved to amend the Senate proposal of amendment as follows:

First: By adding a new section to be numbered Sec. 6a to read as follows:

Sec. 6a. SMALL BUSINESS PLANNING AND IMPLEMENTATION ASSISTANCE

On or before November 15, 2017, the Commissioner of Labor and the Secretary of Commerce and Community Development shall develop and implement a program to provide employers that have five or fewer employees who are employed for an average of no less than 30 hours per week during a year with assistance related to the development of time off policies and business plans necessary to implement the requirements of this act.

Second: By striking out Sec. 7 in its entirety and inserting in lieu thereof a new Sec. 7 to read as follows:

Sec. 7. EFFECTIVE DATES

(a)(1) This section and Sec. 6a shall take effect on July 1, 2016.

(2) The remaining sections of this act shall take effect on January 1, 2017, except that an employer that has five or fewer employees who are employed for an average of no less than 30 hours per week shall not be subject to the provisions of 21 V.S.A. chapter 5, subchapter 4b until January 1, 2018.

(b)(1) An employer may require for its existing employees on January 1, 2017 a waiting period of up to one year. The waiting period pursuant to this subsection shall begin on January 1, 2017 and shall end on or before December 31, 2017. During this waiting period, an employee shall accrue earned sick time pursuant to 21 V.S.A. § 482, but shall not be permitted to use the earned sick time until after he or she has completed the waiting period.

(2) An employer that has five or fewer employees who are employed for an average of no less than 30 hours per week may require for its existing employees on January 1, 2018 a waiting period of up to one year. The waiting period pursuant to this subsection shall begin on January 1, 2018 and shall end

on or before December 31, 2018. During this waiting period, an employee shall accrue earned sick time pursuant to 21 V.S.A. § 482, but shall not be permitted to use the earned sick time until after he or she has completed the waiting period.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Campion moved that the Senate proposal of amendment be amended in Sec. 4, 21 V.S.A. § 481, by striking out subdivision (1) in its entirety and inserting in lieu thereof a new subdivision (1) to read as follows:

(1) "Employer" means any individual, organization, or governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air, or express company doing business in or operating within this State that employs more than five individuals for an average of no less than 30 hours per week during a year.

Which was disagreed to on a roll call, Yeas 14, Nays 15.

Senator Degree having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Benning, Campion, Collamore, Degree, Flory, Kitchel, Mazza, Mullin, Nitka, Rodgers, Sears, *Snelling, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Cummings, Doyle, Lyons, MacDonald, McCormack, Pollina, Sirotkin, White, Zuckerman.

The Senator absent and not voting was: McAllister (suspended).

*Senator Snelling explained her vote as follows:

"I would prefer that this legislation was not necessary. Next, my preference would be to exempt employers with 5 or fewer employees. However, I am grateful the Senate has accepted my amendment to provide more time and assistance to small business."

Thereupon, pending the question, Shall the bill be read third time?, Senator Zuckerman and Campbell moved to amend the Senate proposal of amendment in Sec. 2, in subsection (b) by inserting a new subdivision (3) to read as follows:

(3) all employers that currently offer any type of paid time off from work that may, at a minimum, be used by the employer's employees in the

amounts and for the purposes required pursuant to this act shall not be required to change their paid time off policy or offer additional paid leave.

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Bray moved to amend the Senate proposal of amendment in Sec. 4, 21 V.S.A. § 481, in subdivision (5), subparagraph (B)(i) after the words “for 20 weeks or fewer in a” by striking out “calendar year” and inserting in lieu thereof 12-month period

Which was agreed to.

Thereupon, pending the question, Shall the bill be read third time?, Senator Benning moved to amend the Senate proposal of amendment in Sec. 7, Effective Date, by striking out each instance of the date “2017” and inserting in lieu thereof the date 2018

Which was disagreed to on a roll call, Yeas 9, Nays 20.

Senator Degree having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Benning, Campion, Collamore, Degree, Flory, Mazza, Rodgers, Starr, Westman.

Those Senators who voted in the negative were: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Cummings, Doyle, Kitchel, Lyons, MacDonald, McCormack, Mullin, Nitka, Pollina, Sears, Sirotkin, Snelling, White, Zuckerman.

The Senator absent and not voting was: McAllister (suspended).

Thereupon, pending the question, Shall the bill be read third time?, Senator Ashe moved to amend the Senate proposal of amendment as follows

First: In Sec. 2, by striking out subsection (b) and inserting a new subsection (b) to read as follows:

(b) It is the intent of the General Assembly that all employers doing business in or operating in the State of Vermont shall be required to provide earned sick time to their employees as provided by this act.

Second: By adding a new Sec. 7 to read as follows:

Sec. 7. 29 V.S.A. § 161 is amended to read:

§ 161. REQUIREMENTS ON STATE CONSTRUCTION PROJECTS

(a) Bids; selection.

* * *

(3) All bids on State projects shall be required to comply with all applicable provisions of Title 21.

And by renumbering the renaming section to be numerically correct.

Which was agreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposal of amendment on a roll call, Yeas 21, Nays 8.

Senator Mullin having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Balint, Baruth, Bray, Campbell, Campion, Cummings, Doyle, Kitchel, Lyons, MacDonald, McCormack, Mullin, Nitka, Pollina, *Sears, Sirotkin, Snelling, White, Zuckerman.

Those Senators who voted in the negative were: Benning, Collamore, Degree, Flory, Mazza, Rodgers, Starr, Westman.

The Senator absent and not voting was: McAllister (suspended).

*Senator Sears explained his vote as follows:

“Mr. President:

“My Yes vote is predicated on this being a paid time off bill - not paid sick days - and that employers who are now doing the right thing by providing adequate paid time off not being penalized.”

Bill Amended; Third Reading Ordered

S. 198.

Senator Collamore, for the Committee on Government Operations, to which was referred Senate bill entitled:

An act relating to the Government Accountability Committee and the annual report on the State’s population-level outcomes.

Reported recommending that the bill be amended in Sec. 3 (amending 2014 Acts and Resolves No. 186, Sec. 3), in subdivision (7), subparagraph (E), following the words “number and percent”, by striking out the word “or” and inserting in lieu thereof the word of

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

Message from the House No. 15

A message was received from the House of Representatives by Mr. Jeremy Weiss, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has considered joint resolution originating in the Senate of the following title:

J.R.S. 38. Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, February 4, 2016.