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H.187

Representative Olsen of Londonderry moves that the Senate Proposal of Amendment be amended in Sec. 4, in 21 V.S.A. § 481, by striking out subdivision (5) in its entirety and inserting in lieu thereof a new subdivision (5) to read:

(5)(A) “Employee” means a person who, in consideration of direct or indirect gain or profit, is employed by an employer for an average of no less than 18 hours per week during a year; and

(i) earns an hourly wage of no more than 110 percent of the minimum wage pursuant to section 384 of this title; or

(ii) earns total compensation, including salary and benefits, that is equivalent to an hourly wage of no more than 110 percent of the minimum wage pursuant to section 384 of this title.

(B) However, the term “employee” shall not include:

(i) An individual who is employed by the federal government.

(ii) An individual who is employed by an employer:

(I) for 20 weeks or fewer in a 12-month period; and

(II) in a job scheduled to last 20 weeks or fewer.

(iii) An individual that is employed by the State and is exempt or excluded from the State classified service pursuant to 3 V.S.A. § 311, but not

1 an individual that is employed by the State in a temporary capacity pursuant to
2 3 V.S.A. § 331.

3 (iv) An employee of a health care facility as defined in 18 V.S.A.
4 § 9432(8) or a facility as defined in 33 V.S.A. § 7102(2) if the employee only
5 works on a per diem or intermittent basis.

6 (v) An employee of a school district, supervisory district, or
7 supervisory union as defined in 16 V.S.A. § 11 that:

8 (I) is employed pursuant to a school district or supervisory
9 union policy on substitute educators as required by the Vermont Standards
10 Board for Professional Educators Rule 5381;

11 (II) is under no obligation to work a regular schedule; and

12 (III) is not under contract or written agreement to provide at
13 least one period of long-term substitute coverage which is defined as 30 or
14 more consecutive school days in the same assignment.

15 (vi) An individual who is under 18 years of age.

16 (vii) An individual that is either:

17 (I) a sole proprietor or partner owner of an unincorporated
18 business who is excluded from the provisions of chapter 9 of this title pursuant
19 to subdivision 601(14)(F) of this title; or

20 (II) an executive officer, manager, or member of a corporation
21 or a limited liability company for whom the Commissioner has approved an

1 exclusion from the provisions of chapter 9 of this title pursuant to
2 subdivision 601(14)(H) of this title.

3 (viii) An individual that:

4 (I) works on a per diem or intermittent basis;

5 (II) works only when he or she indicates that he or she is
6 available to work;

7 (III) is under no obligation to work for the employer offering
8 the work; and

9 (IV) has no expectation of continuing employment with the
10 employer.