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(e) The Attorney General may enforce the provisions of this chapter relating to the proper classification of employees by restraining prohibited acts, seeking civil penalties, obtaining assurances of discontinuance, and conducting civil investigations in accordance with the procedures established in 9 V.S.A. §§ 2458–2461 as though the misclassification of an employee as an independent contract were an unfair act in commerce. An employer subject to a complaint shall have the rights and remedies specified in in 9 V.S.A. §§ 2458–2461. An investigation against an employer shall not be a prerequisite for bringing an action. In addition to any penalties, costs, or other relief permitted pursuant to 9 V.S.A. §§ 2458–2461, the Civil Division of the Superior Court may order restitution of wages or benefits, reinstatement, and other appropriate relief on behalf of an employee.

* * *

Sec. 15. 21 V.S.A. § 211 is added to read:

§ 211. EMPLOYEE MISCLASSIFICATION; ENFORCEMENT BY ATTORNEY GENERAL

The Attorney General may enforce the provisions of this chapter relating to the proper classification of employees by restraining prohibited acts, seeking civil penalties, obtaining assurances of discontinuance, and conducting civil investigations in accordance with the procedures established in 9 V.S.A.

1 §§ 2458–2461 as though the misclassification of an employee as an
2 independent contractor were an unfair act in commerce. An employer subject
3 to a complaint shall have the rights and remedies specified in in 9 V.S.A.
4 §§ 2458–2461. An investigation against an employer shall not be a
5 prerequisite for bringing an action. In addition to any penalties, costs, or other
6 relief permitted pursuant to 9 V.S.A. §§ 2458–2461, the Civil Division of the
7 Superior Court may order restitution of wages or benefits, reinstatement, and
8 other appropriate relief on behalf of an employee.

9 Sec. 16. 21 V.S.A. § 342c is added to read:

10 § 342c. EMPLOYEE MISCLASSIFICATION; ENFORCEMENT BY

11 ATTORNEY GENERAL

12 The Attorney General may enforce the provisions of this subchapter relating
13 to the proper classification of employees by restraining prohibited acts, seeking
14 civil penalties, obtaining assurances of discontinuance, and conducting civil
15 investigations in accordance with the procedures established in 9 V.S.A.

16 §§ 2458–2461 as though the misclassification of an employee as an
17 independent contractor were an unfair act in commerce. An employer subject
18 to a complaint shall have the rights and remedies specified in in 9 V.S.A.
19 §§ 2458–2461. An investigation against an employer shall not be a
20 prerequisite for bringing an action. In addition to any penalties, costs, or other
21 relief permitted pursuant to 9 V.S.A. §§ 2458–2461, the Civil Division of the

1 Superior Court may order restitution of wages or benefits, reinstatement, and
2 other appropriate relief on behalf of an employee.

3 Sec. 17. 21 V.S.A. § 385 is amended to read:

4 § 385. ADMINISTRATION

5 (a) The ~~commissioner~~ Commissioner and the ~~commissioner's~~
6 Commissioner's authorized representatives have full power and authority for
7 all the following:

8 * * *

9 (b) The Attorney General may enforce the provisions of this subchapter
10 relating to the proper classification of employees by restraining prohibited acts,
11 seeking civil penalties, obtaining assurances of discontinuance, and conducting
12 civil investigations in accordance with the procedures established in 9 V.S.A.
13 §§ 2458–2461 as though the misclassification of an employee as an
14 independent contractor were an unfair act in commerce. An employer subject
15 to a complaint shall have the rights and remedies specified in in 9 V.S.A.
16 §§ 2458–2461. An investigation against an employer shall not be a
17 prerequisite for bringing an action. In addition to any penalties, costs, or other
18 relief permitted pursuant to 9 V.S.A. §§ 2458–2461, the Civil Division of the
19 Superior Court may order restitution of wages or benefits, reinstatement, and
20 other appropriate relief on behalf of an employee.

1 Sec. 18. TRANSFER OF POSITIONS AND ASSOCIATED
2 APPROPRIATIONS FROM THE DEPARTMENT OF LABOR TO
3 THE OFFICE OF ATTORNEY GENERAL

4 On the effective date of this act, two full-time workers' compensation
5 investigator positions and the appropriations associated with those positions
6 are transferred from the Department of Labor to the Office of the Attorney
7 General.