

Side-by-Side Comparison of Proposed Amendments to H.187

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Office of Legislative Council

Deleted language is shown in *italics*.
New language is shown in **BOLD**.

Section 1: Findings

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment: Draft 4.3	Comments on changes in the April 14 Proposal of Amendment
<p><u>The General Assembly finds:</u> (1) According to the Vermont Department of Labor’s 2013 Fringe Benefits study, roughly one-half of all private sector employers provide some form of paid leave to their employees. Less than 50 percent of private sector workers employed by companies with fewer than 20 workers have access to paid leave, while only approximately 78 percent of workers employed by larger companies have access to paid leave time. (2) In total, more than 60,000 working Vermonters lack access to paid leave.</p>	<p><u>The General Assembly finds:</u> (1) According to the Vermont Department of Labor’s 2013 Fringe Benefits study, roughly one-half of all private sector employers provide some form of paid leave to their employees. Less than 50 percent of private sector workers employed by companies with fewer than 20 workers have access to paid leave, while only approximately 78 percent of workers employed by larger companies have access to paid leave time. (2) In total, more than 60,000 working Vermonters lack access to paid leave.</p>	<p>Unchanged.</p>

Section 2: Purpose

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment: Draft 4.3	Comments:
<p><u>The purpose of this act is to promote a</u></p>	<p><u>The purpose of this act is to promote a</u></p>	<p>Unchanged.</p>

<u>healthy work environment by ensuring that employees are provided with paid sick leave time and that employers do not penalize employees who use paid sick leave benefits.</u>	<u>healthy work environment by ensuring that employees are provided with paid sick leave time and that employers do not penalize employees who use paid sick leave benefits.</u>	
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Section 3: Amending 21 V.S.A. § 384

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment: Draft 4.3	Comments:
§ 384. EMPLOYMENT; WAGES * * * <u>(d) For the purposes of earned sick time, an employer must comply with the provisions required under subchapter 4B of this chapter.</u>	§ 384. EMPLOYMENT; WAGES * * * <u>(d) For the purposes of earned sick time, an employer must comply with the provisions required under subchapter 4B of this chapter.</u>	Unchanged.

Section 4: Adding New 21 V.S.A. chapter 5, subchapter 4B – Earned Sick Time

Section 481. Definitions

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment: Draft 4.3	Comments:
<u>(1) “Combined time off” means a policy wherein the employer provides time off for vacation, sickness, personal reasons, or holidays, and the employee has the option to use all of the leave for whatever purpose he or she chooses.</u>	<u>(1) “Combined time off” means a policy wherein the employer provides time off for vacation, sickness, personal reasons, or holidays, and the employee has the option to use all of the leave for whatever purpose he or she chooses.</u>	Unchanged.
<u>(2) “Commissioner” means the Commissioner of Labor.</u>	<u>(2) “Commissioner” means the Commissioner of Labor.</u>	Unchanged.
<u>(3) “Differential” means compensation</u>	<u>(3) “Differential” means compensation</u>	Unchanged.

<p><u>paid in addition to the usual compensation paid to an employee of a health care facility as defined in 18 V.S.A. § 9432(8) who does not work on a regular schedule and who works only when he or she indicates that he or she is available to work and has no obligation to work when he or she does not indicate availability.</u></p>	<p><u>paid in addition to the usual compensation paid to an employee of a health care facility as defined in 18 V.S.A. § 9432(8) who does not work on a regular schedule and who works only when he or she indicates that he or she is available to work and has no obligation to work when he or she does not indicate availability.</u></p>	
<p><u>(4) “Earned sick time” means discretionary time earned and accrued under the provisions of this subchapter and used for the purposes listed in subdivisions 483(a)(1)–(5) of this subchapter.</u></p>	<p><u>(4) “Earned sick time” means discretionary time earned and accrued under the provisions of this subchapter and used for the purposes listed in subdivisions 483(a)(1)–(5) of this subchapter.</u></p>	<p>Unchanged.</p>
<p><u>(5) “Employee” has the same meaning as set forth in section 341 of this title, <i>except that it shall not include:</i></u> <u>(A) <i>employees of the federal government;</i></u> <u>or</u> <u>(B) <i>individuals who are employed by an employer to support or supplement the employer’s workforce in certain situations, including employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.</i></u></p>	<p><u>(5) “Employee” has the same meaning as set forth in section 341 of this title.</u> <u>However, the term “employee” shall not include:</u> <u>(A) An individual who is employed by the federal government.</u> <u>(B) An individual who is employed by an employer:</u> <u>(i) for 20 weeks or fewer in a calendar year;</u> <u>(ii) in a job scheduled to last 20 weeks or fewer; and</u> <u>(iii) for the purpose of supporting or supplementing the employer’s workforce in certain situations, including employee absences, temporary skill shortages, seasonal workloads, and special assignments and</u></p>	<ul style="list-style-type: none"> • Amendment to subdivision (B) spells out a clear test for determining whether an individual is a temporary or seasonal employee that is excluded from the subchapter. • New subdivision (C) specifically excludes non-classified State employees including elected and appointed officials, as well as temporary employees pursuant to 3 V.S.A. § 331. • Subdivision (D) was § 483(j) in the first proposed amendment. • Subdivision (E) was § 483(k) in the first proposed amendment.

projects.

(C) An individual who is employed by the State and is exempt or excluded from the State classified service pursuant to 3 V.S.A § 311.

(D) An employee of a health care facility as defined in 18 V.S.A. § 9432(8) if the employee:

(i) is under no obligation to work a regular schedule;

(ii) works only when he or she indicates that he or she is available to work and has no obligation to work when he or she does not indicate availability; and

(iii) receives higher pay in the form of a differential as defined in subdivision (3) of this section, or some other increased compensation than that paid to an employee of a health care facility performing the same job on a regular schedule.

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

(i) is employed pursuant to a school district or supervisory union policy on substitute educators as required by the

Vermont Standards Board for Professional Educators Rule 5381;

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

	<u>(iii) is not under contract or written agreement to provide at least one period of long-term substitute coverage which is defined as 30 or more consecutive calendar days in the same assignment.</u>	
<u>(6) “Employer” means an 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.</u>	<u>(6) “Employer” means an 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.</u>	Unchanged.
	<u>(7) “Paid time off policy” means any policy under which the employer provides paid time off to the employee that includes a combination of one or more of the following: (A) annual leave; (B) combined time off; (C) holiday leave; (D) personal leave; (E) sick leave; or (F) vacation leave.</u>	New definition.

§ 482. Earned Sick Time

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment: Draft 4.3	Comments:
<u>(a) An employee shall accrue not less than one hour of earned sick time for every 40</u>	<u>(a) An employee shall accrue not less than one hour of earned sick time for every 40</u>	Unchanged.

<p><u>hours worked.</u></p> <p><u>(b) An employer may require a waiting period for new hires. During this waiting period, an employee shall accrue earned sick time pursuant to this section but cannot use the earned sick time until after he or she has worked for the employer for one year or 1,400 hours, whichever occurs first.</u></p>	<p><u>hours worked.</u></p> <p><u>(b) An employer may require a waiting period for new hires. During this waiting period, an employee shall accrue earned sick time pursuant to this section but cannot use the earned sick time until after he or she has worked for the employer for one year or 1,400 hours, whichever occurs first.</u></p>	<p>Unchanged.</p>
<p><u>(c) In the absence of a more generous paid time policy or collective bargaining agreement provision, an employer may:</u></p> <p><u>(1) limit the amount of earned sick time accrued pursuant to this section to:</u></p> <p><u>(A) from January 1, 2016, until December 31, 2017, a maximum of 24 hours in a 12-month period; and</u></p> <p><u>(B) after December 31, 2017, a maximum of 40 hours in a 12-month period; or</u></p> <p><u>(2) limit to 40 hours the number of hours in each workweek for which full-time employees not subject to the overtime provisions of the Federal Fair Labor Standards Act, 29 U.S.C. § 213(a)(1), may accrue earned sick time pursuant to this section.</u></p>	<p><u>(c) An employer may:</u></p> <p><u>(1) limit the amount of earned sick time accrued pursuant to this section to:</u></p> <p><u>(A) from January 1, 2016, until December 31, 2017, a maximum of 24 hours in a 12-month period; and</u></p> <p><u>(B) after December 31, 2017, a maximum of 40 hours in a 12-month period; or</u></p> <p><u>(2) limit to 40 hours the number of hours in each workweek for which full-time employees not subject to the overtime provisions of the Federal Fair Labor Standards Act, 29 U.S.C. § 213(a)(1), may accrue earned sick time pursuant to this section.</u></p>	<p>Deleted “In the absence of a more generous paid time policy or collective bargaining agreement...”</p> <p>The deleted language is unnecessary in light of § 484(b).</p>
<p><u>(d) Earned sick time accrued pursuant to this section shall be compensated at the same hourly rate and with the same benefits, including health care benefits, as</u></p>	<p><u>(d)(1) Earned sick time shall be compensated at a rate that is equal to the greater of either:</u></p> <p><u>(A) the normal hourly wage rate of the</u></p>	<ul style="list-style-type: none"> • Subdivision (1) clarifies that wages for earned sick time used are either the employee’s normal hourly rate or Vermont’s minimum wage.

<p><u>the employee normally earns for hours worked.</u></p>	<p><u>employee; or</u> <u>(B) the minimum wage rate for an employee pursuant to section 384 of this title.</u> <u>(2) Employment benefits shall continue during an employee’s use of earned sick time at the same level and conditions that coverage would be provided as for normal work hours. The employer may require that the employee contribute to the cost of the benefits during the use of earned sick time at the existing rate of employee contribution.</u></p>	<ul style="list-style-type: none"> • Subdivision (2) establishes that any benefits provided to an employee will continue as usual during the employee’s use of earned sick time, and that the employer can require an employee to continue to make his or her normal contributions to the cost of benefits from wages paid for earned sick time.
<p><u>(e) Service or tipped employees shall be compensated at an amount that is not less than the minimum wage required for nonservice or nontipped employees pursuant to section 384 of this title.</u></p>		<p>This subsection is deleted because it is now addressed by § 482(d)(2).</p>
	<p><u>(e) Except as otherwise provided by subsection 484(a) of this subchapter, an employer shall calculate the amount of earned sick time that an employee has accrued pursuant to this section:</u> <u>(1) as it accrues during each pay period; or</u> <u>(2) on a quarterly basis, provided that an employee may use earned sick time as he or she accrues it during each quarter.</u></p>	<ul style="list-style-type: none"> • This section is an amended version of § 482(i) from the first proposed amendment. • The revised language clarifies that the amount of accrued earned sick time is calculated on a pay period by pay period basis or on a quarterly basis. • Also adds a reference to § 484(a), which permits an employer to comply with the subchapter by providing a fixed amount of earned sick time on an annual basis.

<u>(f) An employer with a paid time policy that is comparable to or more generous than the earned sick time provided under this section is not required to provide additional earned sick time.</u>		This subsection has been redesignated and amended as § 484(a).
<u>(g) If an employer offers combined time off that does not specifically include sick time, an employee may use all or a portion of that time for the purposes listed in subdivisions 483(a)(1)–(5) of this title.</u>		This subsection has been deleted because the new language in § 484(a) makes it unnecessary.
<u>(h) Nothing in this section shall be construed to interfere with the enforcement of or require a change in a collective bargaining agreement that is comparable to or more generous than the earned sick time provided under this section.</u>		This subsection has been incorporated into §§ 484(b) and (c).
<u>(i) An employer <i>may</i> calculate the amount of earned sick time that an employee has accrued pursuant to this section on a quarterly basis, provided that an employee may use earned sick time as he or she accrues it during that quarter.</u>		This subsection has been redesignated and amended as § 482(e).

§ 483. Use of Earned Sick Time

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment: Draft 4.3	Comments:
<u>(a) An employee may use earned sick time accrued pursuant to section 482 of this title for any of the following reasons:</u>	<u>(a) An employee may use earned sick time accrued pursuant to section 482 of this title for any of the following reasons:</u>	Unchanged.

(1) The employee is ill or injured.
(2) The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
(3) The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, foster child, person residing with the employee, or family member for whom the employee is primarily responsible to arrange or provide care for, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment.
(4) The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, foster child, person residing with the employee, or family member for whom the employee is primarily responsible to arrange or provide care for, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meaning as in 15 V.S.A. § 1151.
(5) The employee cares for a parent,

(1) The employee is ill or injured.
(2) The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
(3) The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, foster child, person residing with the employee, or family member for whom the employee is primarily responsible to arrange or provide care for, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment.
(4) The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, foster child, person residing with the employee, or family member for whom the employee is primarily responsible to arrange or provide care for, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meaning as in 15 V.S.A. § 1151.
(5) The employee cares for a parent,

<p><u>grandparent, spouse, child, brother, sister, parent-in-law, grandchild, foster child, person residing with the employee, or family member for whom the employee is primarily responsible to arrange or provide care for, because the school or business where that individual is normally located during the employee’s work day is closed for public health or safety reasons.</u></p>	<p><u>grandparent, spouse, child, brother, sister, parent-in-law, grandchild, foster child, person residing with the employee, or family member for whom the employee is primarily responsible to arrange or provide care for, because the school or business where that individual is normally located during the employee’s work day is closed for public health or safety reasons.</u></p>	
<p><u>(b) An employee shall use earned sick time accrued pursuant to section 482 of this title in the smallest time increments that the employer’s payroll system uses to account for other absences when the employee’s absence is shorter than a normal workday.</u></p>	<p><u>(b) If an employee’s absence is shorter than a normal workday, the employee shall use earned sick time accrued pursuant to section 482 of this title in the smallest time increments that the employer’s payroll system uses to account for other absences.</u></p>	<p>Language changed for clarity.</p>
<p><u>(c)(1) In the absence of a more generous paid time policy or collective bargaining agreement provision, an employee may use:</u> <u>(A) from January 1, 2016, until December 31, 2017, no more than 24 hours of earned sick time accrued pursuant to section 482 of this title in any one year; and</u> <u>(B) after December 31, 2017, no more than 40 hours of earned sick time accrued pursuant to section 482 of this title in any one year.</u> <u>(2) Unused hours shall be carried over to the next year and the employee has the right to earn the balance between the</u></p>	<p><u>(c) An employee may use:</u> <u>(1) from January 1, 2016, until December 31, 2017, no more than 24 hours of earned sick time accrued pursuant to section 482 of this title in any one year; and</u> <u>(2) after December 31, 2017, no more than 40 hours of earned sick time accrued pursuant to section 482 of this title in any one year.</u></p>	<ul style="list-style-type: none"> • Deleted “In the absence of a more generous paid time policy or collective bargaining agreement provision...” • The deleted language is unnecessary in light of § 484(b). • Subdivision (2) of the first proposed amendment is redesignated and amended as new subsection (d) below.

<u>unused portion and the maximum allowed.</u>	<p><u>(d)(1) Except as otherwise provided in subsection 484(a) of this title, unused earned sick time shall be carried over to the next year and the employee has the right to earn the balance between the unused portion and the maximum allowed.</u></p> <p><u>(2) If, at an employer's discretion, an employer pays an employee for unused earned sick time accrued pursuant to section 482 of this title at the end of an annual period, then the amount for which the employee was compensated does not carry over to the next year.</u></p>	<ul style="list-style-type: none"> • This subsection combines subdivision (c)(2) and subsection (e) from the first proposed amendment. This is intended to improve clarity by grouping the related provisions together. • Subdivision (d)(1) includes a reference to § 484(a), which permits an employer to provide an employee with a fixed amount of annual leave in lieu of the accrual and carryover requirements of §§482 and 483.
<p><u>(d) Upon separation from employment, an employee shall not be entitled to payment for unused earned sick time accrued pursuant to section 482 of this title unless agreed upon by the employer.</u></p>		<p>Redesignated as subsection (e).</p>
	<p><u>(e) Upon separation from employment, an employee shall not be entitled to payment for unused earned sick time accrued pursuant to section 482 of this title unless agreed upon by the employer.</u></p>	<p>See above.</p>
<p><u>(e) If, at an employer's discretion, an employer pays an employee for unused earned sick time accrued pursuant to section 482 of this title at the end of an annual period, then the amount for which the employee was compensated does not</u></p>		<p>Redesignated as subdivision (d)(2).</p>

<p>carry over to the next year.</p>		
<p><u>(f) An employee who is rehired within 12 months after a separation from employment shall retain earned sick time accrued pursuant to section 482 of this title that was unused at the time of separation, unless the employee was compensated for this earned sick time at the time of separation from employment. An employer shall retain a record of the earned sick time accrued by an employee for at least 12 months after the employee's separation from employment.</u></p>	<p><u>(f) An employee who is rehired by the same employer within 12 months after separation from employment shall begin to accrue and may use earned sick time without any waiting period, but shall not be entitled to retain any unused earned sick time that had accrued pursuant to section 482 of this title before the time of separation unless agreed upon by the employer.</u></p>	<ul style="list-style-type: none"> • The requirement that an employer permit an employee to retain their previously accrued sick time if they are rehired within 1 year is eliminated. • In lieu of retaining their previously accrued sick time, rehired employees will be able to accrue and use earned sick time without any waiting period if they are rehired within 1 year. • Eliminates record keeping requirement following separation from employment.
<p><u>(g) An employer may require an employee to make reasonable efforts to find a replacement for planned absences, including absences for professional diagnostic, preventive, routine, or therapeutic health care.</u></p>	<p><u>(g) An employer shall not require an employee to find a replacement for absences, including absences for professional diagnostic, preventive, routine, or therapeutic health care.</u></p>	<p>Amended to avoid potential conflict with Family and Medical Leave Act and Parental and Family Leave Act.</p>
<p><u>(h) An employer may require an employee planning to take earned sick time accrued pursuant to section 482 of this title to:</u> <u>(1) make reasonable efforts to avoid scheduling routine or preventive health care during regular work hours; or</u> <u>(2) notify the employer as soon as practicable of the intent to take earned sick time accrued pursuant to section 482 of this title and the expected duration of the</u></p>	<p><u>(h) An employer may require an employee planning to take earned sick time accrued pursuant to section 482 of this title to:</u> <u>(1) make reasonable efforts to avoid scheduling routine or preventive health care during regular work hours; or</u> <u>(2) notify the employer as soon as practicable of the intent to take earned sick time accrued pursuant to section 482 of this title and the expected duration of the</u></p>	<p>Unchanged.</p>

<u>employee's absence.</u>	<u>employee's absence.</u>	
	<p><u>(i) If an employee is absent from work for one of the reasons listed in subsection (a) of this section, the employee shall not be required to use earned sick time accrued pursuant to section 482 of this title and the employer will not be required to pay for the time that the employee was absent if the employer and the employee mutually agree that either:</u></p> <p><u>(1) the employee will work an equivalent number of hours as the number of hours for which the employee is absent during the same pay period; or</u></p> <p><u>(2) the employee will trade hours with a second employee so that the second employee works during the hours for which the employee is absent and the employee works an equivalent number of hours in place of the second employee during the same pay period.</u></p>	<p>This is a new subsection that expressly permits employers and employees to continue existing practices related to flexible work hours or shift swapping.</p>
<p><u>(i) An employer shall post notice of the provisions of this section in a form provided by the Commissioner in a place conspicuous to employees at the employer's place of business. An employer shall also notify an employee of the provisions of this section at the time of the employee's hiring.</u></p>		<p>Redesignated as subsection (j).</p>
	<p><u>(j) An employer shall post notice of the</u></p>	<p>See above.</p>

	<p><u>provisions of this section in a form provided by the Commissioner in a place conspicuous to employees at the employer's place of business. An employer shall also notify an employee of the provisions of this section at the time of the employee's hiring.</u></p>	
<p><u>(j)(1) This section shall not apply to an employee of a health care facility as defined in 18 V.S.A. § 9432(8) if the employee:</u> <u>(A) is under no obligation to work a regular schedule;</u> <u>(B) works only when he or she indicates that he or she is available to work and has no obligation to work when he or she does not indicate availability; and</u> <u>(C) receives higher pay in the form of a differential as defined in section 481 of this title, or some other increased compensation than that paid to an employee of a health care facility performing the same job on a regular schedule.</u> <i>(2) An employer may agree to provide earned sick time to an employee covered by this subsection.</i></p>		<ul style="list-style-type: none"> • Redesignated as § 481(5)(D). • Subdivision (2) deleted because language is unnecessary following redesignation.
<p><u>(k) This section shall not apply to an employee of a school district, supervisory district, or supervisory union as defined in 16 V.S.A. § 11 that:</u></p>		<p>Redesignated as § 481(5)(E).</p>

<p><u>(1) is employed pursuant to a school district or supervisory union policy on substitute educators as require by the Vermont Standards Board for Professional Educators Rule 5381;</u> <u>(2) is under no obligation to work a regular schedule; and</u> <u>(3) is not under contract or written agreement to provide at least one period of long-term substitute coverage which is defined as 30 or more consecutive calendar days in the same assignment.</u></p>		
<p><u>(l) An employee who uses earned sick time accrued pursuant to section 482 of this title shall not <i>forfeit</i> his or her rights to leave under sections 472 and 472a of this title.</u></p>		<p>Redesignated and amended as subsection (k).</p>
	<p><u>(k) An employee who uses earned sick time accrued pursuant to section 482 of this title shall not diminish his or her rights under sections 472 and 472a of this title.</u></p>	<p>Amended to avoid potential conflict with Family and Medical Leave Act and Parental and Family Leave Act.</p>
<p><u>(m) The provisions against retaliation set forth in section 348 of this title shall apply to this subchapter.</u></p>		<p>Redesignated and amended as subsection (l).</p>
	<p><u>(l) The provisions against retaliation set forth in section 397 of this title shall apply to this subchapter.</u></p>	<ul style="list-style-type: none"> • Amended to correct cross-reference from subchapter governing Wages and Medium of Employment to subchapter governing Minimum Wages, which requires compliance with new Earned

		<p>Sick Time chapter.</p> <ul style="list-style-type: none"> • Language of 21 V.S.A. § 348 and 21 V.S.A. § 397 is identical
<p><u>(n) An employer may adopt an earned sick time policy more generous than the earned sick time provided by this subchapter. Nothing in this subchapter shall be construed to diminish an employer’s obligation to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater sick time rights than the rights provided by this subchapter. A collective bargaining agreement or employment benefit program or plan may not diminish rights provided by this subchapter.</u></p>		<p>Redesignated and amended as §§ 484(b), (c), and (d).</p>
<p><u>(o) An employer who violates this section shall be subject to the penalty provisions of section 345 of this title.</u></p>		<p>Redesignated as subsection (m).</p>
	<p><u>(m) An employer who violates this section shall be subject to the penalty provisions of section 345 of this title.</u></p>	<p>See above.</p>
<p><u>(p) The Commissioner shall enforce this section in accordance with the procedures established in section 342a of this title.</u></p>		<p>Redesignated as subsection (n).</p>
	<p><u>(n) The Commissioner shall enforce this section in accordance with the procedures established in section 342a of this title.</u></p>	<p>See above.</p>

§ 484. Severability of Provisions

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment Draft 4.3	Comments:
<p><u>§ 484. SEVERABILITY OF PROVISIONS</u> <u>If any provision of this subchapter or the application of such provision to any person or circumstances shall be held invalid, the remainder of the subchapter and the application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.</u></p>	<p><u>§ 485. SEVERABILITY OF PROVISIONS</u> <u>If any provision of this subchapter or the application of such provision to any person or circumstances shall be held invalid, the remainder of the subchapter and the application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.</u></p>	<p>Redesignated as § 485, otherwise unchanged.</p>

§ 484. Compliance with Earned Sick Time Requirement

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment Draft 4.3	Comments:
	<p><u>(a) An employer shall be in compliance with this subchapter if either of the following occurs:</u> <u>(1) The employer offers a paid time off policy or is a party to a collective bargaining agreement that provides the employee with paid time off that:</u> <u>(A) he or she may use for all of the reasons set forth in subsection 483(a) of this title; and</u> <u>(B) accrues and may be used at a rate that is equal to or greater than the rate set forth in sections 482 and 483 of this subchapter.</u></p>	<ul style="list-style-type: none"> • New section incorporates §§ 482(f) and (h), and § 483(n) into one section. • New subsection (a) clarifies that in addition to meeting the minimum standards in §§ 482 and 483 an employer may comply with the subchapter by: <ul style="list-style-type: none"> ○ Offering a paid time off plan that (1) may be used for all of the reasons required by § 483(a) and (2) meets or exceeds the minimum annual requirements for use and accrual set by §§ 482 and 483.

(2) The employer offers a paid time off policy or is a party to a collective bargaining agreement that provides the employee with at least the full amount of paid time off required pursuant to sections 482 and 483 of this subchapter at the beginning of each year and the employee may use it at any time during the year for the reasons set forth in subsection 483(a) of this subchapter. If the employer provides an employee with the full amount of paid time off at the beginning of each year, the paid time off shall not carry over from year to year as provided in subdivision 483(d)(1) of this title.

(b) Nothing in this subchapter shall be construed to prevent an employer from providing a paid time off policy or agreeing to a collective bargaining agreement that provides a paid time off policy that is more generous than the earned sick time provided by this subchapter.

(c) Nothing in this subchapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or paid time off policy that provides greater earned sick time rights than the rights provided by this subchapter.

(d) A collective bargaining agreement or

○ Offering a fixed amount of paid time off on an annual basis that (1) may be used for all of the reasons required by § 483(a) and (2) meets or exceeds the minimum annual requirements for earned time set by §§ 482 and 483.

- If the employer opts to provide a fixed amount of paid time off, the employer will not be required to meet the carry over requirements for unused time pursuant to § 483(d).
- Subsection (b) permits an employer to adopt a more generous paid time off policy or collective bargaining agreement.
- Subsection (c) provides that the subchapter will not diminish an employer's obligation to comply with a more generous collective bargaining agreement or paid time off policy.
- Subsection (d) provides that a collective bargaining agreement or paid time off policy cannot diminish an employee's rights to earned sick time under the subchapter.

	paid time off policy may not diminish the rights provided by this subchapter.	
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Section 5: Amending 21 V.S.A. § 345

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment: Draft 4.3	Comments:
<p>§ 345. NONPAYMENT OF WAGES AND BENEFITS</p> <p>(a) Each employer who violates sections 342 and 343 342, 343, 482, and 483 of this title shall be fined not more than \$5,000.00. Where the employer is a corporation, the president or other officers who have control of the payment operations of the corporation shall be considered employers and liable to the employee for actual wages due when the officer has willfully and without good cause participated in knowing violations of this chapter.</p>	<p>§ 345. NONPAYMENT OF WAGES AND BENEFITS</p> <p>(a) Each employer who violates sections 342 and 343 342, 343, 482, and 483 of this title shall be fined not more than \$5,000.00. Where the employer is a corporation, the president or other officers who have control of the payment operations of the corporation shall be considered employers and liable to the employee for actual wages due when the officer has willfully and without good cause participated in knowing violations of this chapter.</p>	Unchanged.

Section 6: Department of Labor Report

April 7, 2015 Amendment: Draft 3.4	April 14, 2015 Amendment: Draft 4.3	Comments:
<p>The Department of Labor shall <i>commission a survey to report the effects of this act on employers and employees one year after implementation. Survey topics shall include the health and</i></p>	<p>The Department of Labor shall, <u>on or before January 15, 2017, report to the House Committee on General, Housing and Military Affairs and the Senate Committee on Economic Development,</u></p>	<ul style="list-style-type: none"> Changes requirement from a study of the health and economic effects of the new subchapter to a report on the inquiries, complaints, and enforcement actions that the Department of Labor

<p><i>economic effects on employees and employers. The results of the survey shall be reported to the appropriate committees.</i></p>	<p><u>Housing and General Affairs regarding the number of inquiries and complaints submitted to the Department in relation to this act and the number of investigations and enforcement actions undertaken by the Department in relation to this act during the first year after its effective date.</u></p>	<p>has dealt with in relation to the new subchapter during the first year after the bill's effective date.</p> <ul style="list-style-type: none"> • Results in no additional cost to the State because this information would be collected by the Department in any event.
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Section 7: Effective Date

<p>April 7, 2015 Amendment: Draft 3.4</p>	<p>April 14, 2015 Amendment: Draft 4.3</p>	<p>Comments:</p>
<p><u>January 1, 2016.</u></p>	<p><u>January 1, 2016.</u></p>	<p>Unchanged.</p>