

VAHHS Proposal Based on H.187 as Passed the House (Unofficial)
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Exemption for Per Diem Health Care Employees (revision)

§481(3) and (5)(D) – bottom of page 3 to top of page 4

~~(3) “Differential” means compensation 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.~~

(D) An employee of a health care facility as defined in 18 V.S.A. § 9432(8) and **33 VSA 7102(2)** if the employee **only works on a per diem or as needed basis.** ∴

- ~~(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.~~

Benefit Continuation (technical correction)

§482(d)(2) - top of page 7

Employment Group insurance 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.

Working Equivalent Hours/Trades (clarification)

§483(i) - bottom of page 10 to top of page 11

(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 §482 of this subchapter 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:

- (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
- (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.
- (3) **Nothing in this subchapter shall be construed to prevent an employer from adopting a policy that earned sick time accrued pursuant to §482 must be used in connection with an absence from work for one of the reasons listed in subsection (a) of this section.**