

1 S.236

2 Introduced by Senators Clarkson and Nitka

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; wages

6 Statement of purpose of bill as introduced: This bill proposes to provide that  
7 all hours during which an employee is subject to the control of an employer or  
8 engaged to wait while on or near an employer's premises shall be considered  
9 employment for purposes of the minimum wage.

10 An act relating to compensation for on-call employees

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 21 V.S.A. § 383 is amended to read:

13 § 383. DEFINITIONS

14 ~~Terms As used in this subchapter have the following meanings, unless a~~  
15 different meaning is clearly apparent from the language or context:

16 (1) "Commissioner," means the Commissioner of Labor or designee;

17 (2)(A) "Employee," means any individual employed or permitted to  
18 work by an employer except:

19 ~~(A)~~(i) any individual employed in agriculture;

1           ~~(B)~~(ii) any individual employed in domestic service in or about a  
2 private home;

3           ~~(C)~~(iii) any individual employed by the United States;

4           ~~(D)~~(iv) any individual employed in the activities of a public  
5 supported nonprofit organization, except laundry employees, nurses' aides, or  
6 practical nurses;

7           ~~(E)~~(v) any individual employed in a bona fide executive,  
8 administrative, or professional capacity;

9           ~~(F)~~(vi) any individual making home deliveries of newspapers or  
10 advertising;

11           ~~(G)~~(vii) taxi-cab drivers;

12           ~~(H)~~(viii) outside salespersons; and

13           ~~(I)~~(ix) students working during all or any part of the school year or  
14 regular vacation periods.

15           (B) As used in this subdivision (2), "employed or permitted to work"  
16 includes any time during which an individual is subject to the control of his or  
17 her employer or engaged to wait while on or near the employer's premises.

18           (3) "Occupation;" means an industry, trade, or business or branch  
19 thereof or class of work in which workers are gainfully employed.

20 Sec. 2. EFFECTIVE DATE

21           This act shall take effect on July 1, 2018.