

SIDE-BY-SIDE OF S. 82 AND H.196 AS INTRODUCED, AS PASSED HOUSE, AND AS RECOMMENDED BY SENATE ECONOMIC DEVELOPMENT AND FINANCE

Prepared By: Damien Leonard, Esq.

Office of Legislative Council

May 7, 2018

Subject	S.82 as Introduced	H.196 as Introduced	H.196 as Passed House	H.196 as Recommended for Amendment
<b>Length of Leave</b>	12 weeks in a 12-month period	12 weeks in a 12-month period	<ul style="list-style-type: none"> <li>6 weeks in a 12-month period</li> </ul>	<ul style="list-style-type: none"> <li>12 weeks in a 12-month period made up of a combination of:                             <ul style="list-style-type: none"> <li>Up to 12 weeks of parental and bonding leave in a 12-month period                                     <ul style="list-style-type: none"> <li>2 parents may take a combined total of 12 weeks of parental and bonding leave in a 12-month period</li> </ul> </li> <li>Up to 6 weeks of family care leave in a 12-month period</li> </ul> </li> </ul>
<b>Wage Replacement</b>	<ul style="list-style-type: none"> <li>If employee's average weekly wage is:                             <ul style="list-style-type: none"> <li>less than 100% of 40 hours at Vermont's livable wage, 90% of his or her average weekly wage</li> <li>between 100% and 200% of 40 hours at Vermont's livable wage, 60% of his or her average weekly wage</li> <li>greater than 200% of 40 hours at Vermont's livable wage, 50% of his or her average weekly wage</li> </ul> </li> <li>Max weekly benefit is 200% of 40 hours at Vermont Livable Wage</li> </ul>	<ul style="list-style-type: none"> <li>100% of employee's average weekly wage</li> <li>Max weekly benefit is 200% of 40 hours at Vermont Livable Wage</li> </ul>	<ul style="list-style-type: none"> <li>80% of employee's average weekly wage</li> <li>Max weekly benefit is 200% of 40 hours at Vermont Livable Wage</li> </ul>	<ul style="list-style-type: none"> <li>70% of employee's average weekly wage</li> <li>Max weekly benefit is 200% of 40 hours at Vermont Livable Wage</li> </ul>
<b>Use of Leave</b>	<ul style="list-style-type: none"> <li>Serious illness of employee</li> <li>Serious illness of family member</li> <li>Employee's pregnancy</li> <li>Birth of employee's child</li> <li>Placement of child 16 years of age or younger for adoption or foster care</li> </ul>	<ul style="list-style-type: none"> <li>Serious illness of employee</li> <li>Serious illness of family member</li> <li>Employee's pregnancy</li> <li>Birth of employee's child</li> <li>Placement of child 16 years of age or younger for adoption or foster care</li> </ul>	<ul style="list-style-type: none"> <li>Serious illness of family member</li> <li>Employee's pregnancy</li> <li>Birth of employee's child</li> <li>Placement of child 16 years of age or younger for adoption or foster care</li> <li>Birth of the employee's grandchild if employee is primary caregiver or guardian of child and child's biological parents are not taking family leave for birth</li> </ul>	<ul style="list-style-type: none"> <li>Serious illness of family member</li> <li>Employee's pregnancy</li> <li>Birth of employee's child</li> <li>Placement of child 16 years of age or younger for adoption or foster care</li> </ul>
<b>Eligibility</b>	Employed by same employer for six months for an average of 20 hours per week.	Employed in Vermont for 6 of last 12 months	Employed in Vermont during at least 12 of last 13 months	Earned at least \$10,710.00 in employment in Vermont during last 12 months
<b>Covered Employers</b>	All	All	All	All
<b>Opt-in for Self-Employed?</b>	No	Yes	No	No
<b>Funding Mechanism</b>	<ul style="list-style-type: none"> <li>0.75% of each employee's wages</li> <li>Paid 50/50 by employee and employer</li> <li>Employer may pay some or all of employee's share</li> </ul>	<ul style="list-style-type: none"> <li>0.93% of each employee's wages</li> <li>Paid 50/50 by employee and employer</li> </ul>	<ul style="list-style-type: none"> <li>0.141% of each employee's wages</li> <li>Paid by employee</li> <li>Employer may pay some or all of amount due</li> </ul>	<ul style="list-style-type: none"> <li>0.136% of each employee's wages</li> <li>Paid by employee</li> <li>Employer may pay some or all of amount due</li> </ul>

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<b>Definition of Family</b>	The employee's: <ul style="list-style-type: none"> <li>• child</li> <li>• stepchild or ward who lives with the employee</li> <li>• foster child</li> <li>• parent</li> <li>• spouse</li> <li>• parent of the employee's spouse</li> </ul>	The employee's: <ul style="list-style-type: none"> <li>• child</li> <li>• stepchild or ward who lives with the employee</li> <li>• foster child</li> <li>• parent</li> <li>• grandparent</li> <li>• sibling</li> <li>• spouse</li> <li>• parent of the employee's spouse</li> </ul>	The employee's: <ul style="list-style-type: none"> <li>• child</li> <li>• stepchild or ward who lives with the employee</li> <li>• foster child</li> <li>• grandchild</li> <li>• parent</li> <li>• grandparent</li> <li>• sibling</li> <li>• spouse</li> <li>• parent of the employee's spouse</li> </ul>	The employee's: <ul style="list-style-type: none"> <li>• child</li> <li>• stepchild or ward who lives with the employee</li> <li>• foster child</li> <li>• parent</li> <li>• spouse</li> <li>• parent of the employee's spouse</li> </ul>
<b>Job Protection?</b>	<ul style="list-style-type: none"> <li>• Yes, for employees of employers with 5 or more FTE's</li> <li>• Employees of employers with 4 or fewer FTEs are given a preference in hiring for the same or a comparable job for 12 months after becoming available to return to work</li> </ul>	Yes, for employees employed by the employer for at least 12 months	Only for employees covered by PFLA (existing unpaid leave law)	<ul style="list-style-type: none"> <li>• Employees covered by PFLA (existing unpaid leave law)</li> <li>• Other employees may be eligible for reinstatement in a similar position within 2 years of return from leave</li> </ul>
<b>Covered Wages</b>	All	All	Wages up to \$150,000	Wages up to \$150,000, adjusted for inflation beginning in 2020.