

1 S.40

2 Representative Poirier of Barre City moves that the House propose to the
3 Senate that the bill be amended as follows:

4 First: In Sec. 1, 21 V.S.A. § 384, by striking out the section in its entirety
5 and inserting a new Sec. 1 to read:

6 Sec. 1. 21 V.S.A. § 384 is amended to read:

7 § 384. EMPLOYMENT; WAGES

8 (a)(1) An employer shall not employ any employee at a rate of less than
9 ~~\$9.15. Beginning January 1, 2016, an employer shall not employ any~~
10 ~~employee at a rate of less than \$9.60. Beginning January 1, 2017, an employer~~
11 ~~shall not employ any employee at a rate of less than \$10.00. Beginning on~~
12 ~~January 1, 2018, an employer shall not employ any employee at a rate of less~~
13 ~~than \$10.50, and beginning.~~ Beginning on January 1, 2019, an employer shall
14 not employ any employee at a rate of less than \$12.00. Beginning on
15 January 1, 2020, an employer shall not employ any employee at a rate of less
16 than \$13.50. Beginning on January 1, 2021, an employer shall not employ any
17 employee at a rate of less than \$15.00, and on each subsequent January 1, the
18 minimum wage rate shall be increased by five percent or the percentage
19 increase of the Consumer Price Index, CPI-U, U.S. city average, not seasonally
20 adjusted, or successor index, as calculated by the U.S. Department of Labor or
21 successor agency for the 12 months preceding the previous September 1,

1 whichever is smaller, but in no event shall the minimum wage be decreased.

2 The minimum wage shall be rounded off to the nearest \$0.01.

3 (2) An employer shall not employ a secondary school student at a rate of
4 less than the minimum wage established pursuant to subdivision (1) of this
5 subsection minus \$3.00.

6 (3) An employer in the hotel, motel, tourist place, and restaurant
7 industry shall not employ a service or tipped employee at a basic wage rate less
8 than one-half the minimum wage. As used in this subsection, “a service or
9 tipped employee” means an employee of a hotel, motel, tourist place, or
10 restaurant who customarily and regularly receives more than \$120.00 per
11 month in tips for direct and personal customer service.

12 (4) If the minimum wage rate established by the U.S. government is
13 greater than the rate established for Vermont for any year, the minimum wage
14 rate for that year shall be the rate established by the U.S. government.

15 * * *

16 (e)(1) A tip shall be the sole property of the employee or employees to
17 whom it was paid, given, or left. An employer that permits patrons to pay tips
18 by credit card shall pay an employee the full amount of the tip that the
19 customer indicated, without any deductions for credit card processing fees or
20 costs that may be charged to the employer by the credit card company.

1 (2) An employer shall not collect, deduct, or receive any portion of a tip
2 left for an employee or credit any portion of a tip left for an employee against
3 the wages due to the employee pursuant to subsection (a) of this section.

4 (3) This subsection shall not be construed to prohibit the pooling of tips
5 among service or tipped employees as defined pursuant to subsection (a) of
6 this section.

7 Second: In Sec. 3, minimum wage, report regarding adjustments for
8 inflation, after “On or before January 15,” by striking out “2023” and inserting
9 in lieu thereof “2020”

10 Third: In Sec. 3, minimum wage, report regarding adjustments for inflation,
11 after “inflation after” by striking out “2024” and inserting in lieu thereof
12 “2021”