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1	H.431
2	Introduced by Representative Christie of Hartford
3	Referred to Committee on
4	Date:
5	Subject: Labor; employment practices; fair employment; whistleblowing
6	Statement of purpose of bill as introduced: This bill proposes to prohibit
7	agreements to settle a discrimination claim from prohibiting the employee
8	from working for the employer or an affiliate of the employer. It also proposes
9	to prohibit agreements entered into after whistleblowing has occurred from
10	prohibiting the employee from working for the State.
11 12	An act relating to prohibiting agreements that prevent an employee from working for the employer or an affiliate of the employer
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. 21 V.S.A. § 495 is amended to read:
15	§ 495. UNLAWFUL EMPLOYMENT PRACTICE
16	(a) It shall be unlawful employment practice, except where a bona fide
17	occupational qualification requires persons of a particular race, color, religion,
18	national origin, sex, sexual orientation, gender identity, ancestry, place of birth,

age, crime victim status, or physical or mental condition:

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1	(i) An agreement to settle a claim of a violation of subsection (a) of this
2	section shall not prohibit, prevent, or otherwise restrict the employee from
3	working for the employer or any parent company, subsidiary, division, or
4	affiliate of the employer. Any provision of an agreement to settle a claim of a
5	violation of subsection (a) of this section that violates this subsection shall be
6	void and unenforceable with respect to the individual who made the claim.
7	Sec. 2. 21 V.S.A. § 495i is amended to read:
8	§ 495i. EMPLOYMENT BASED ON CREDIT INFORMATION;
9	PROHIBITIONS
10	* * *
11	(e)(1) An employer shall not discharge or in any other manner discriminate
12	against an employee or applicant who has filed a complaint of unlawful
13	employment practices in violation of this section or who has cooperated with
14	the Attorney General or a State's Attorney in an investigation of such practices
15	or who is about to lodge a complaint or cooperate in an investigation or
16	because the employer believes that the employee or applicant may lodge a
17	complaint or cooperate in an investigation.
18	(2) An agreement to settle a claim of a violation of this section shall not
19	prohibit, prevent, or otherwise restrict the employee from working for the
20	employer or any parent company, subsidiary, division, or affiliate of the

employer. Any provision of an agreement to settle a claim of a violation of

1	this section that violates this subdivision shall be void and unenforceable with
2	respect to the individual who made the claim.
3	* * *
4	Sec. 3. 3 V.S.A. § 973 is amended to read:
5	§ 973. PROTECTED ACTIVITY
6	* * *
7	(f) A State agency, department, appointing authority, or manager shall not
8	require an employee who engaged in any protected activity described in
9	subsection (a) of this section, and who separates from employment with the
10	State within one year after engaging in the protected activity, to enter into an
11	agreement prohibiting, preventing, or otherwise restricting the employee from
12	working for the State. Any provision of an agreement that violates this
13	subsection shall be void and unenforceable with respect to the employee who
14	engaged in the protected activity.
15	Sec. 4. EFFECTIVE DATE
16	This act shall take effect on July 1, 2019.