

1 S.83

2 Introduced by Senators Sirotkin, Balint, Baruth and Clarkson

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; fair employment

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.

9 An act relating to prohibiting agreements that prevent an employee from  
10 working for the employer following the settlement of a discrimination claim

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

12 Sec. 1. 21 V.S.A. § 495 is amended to read:

13 § 495. UNLAWFUL EMPLOYMENT PRACTICE

14 (a) It shall be unlawful employment practice, except where a bona fide  
15 occupational qualification requires persons of a particular race, color, religion,  
16 national origin, sex, sexual orientation, gender identity, ancestry, place of birth,  
17 age, crime victim status, or physical or mental condition:

18 \* \* \*

19 (i) An agreement to settle a claim of a violation of subsection (a) of this  
20 section shall not prohibit, prevent, or otherwise restrict the employee from

1 working for the employer or any parent company, subsidiary, division, or  
2 affiliate of the employer. Any provision of an agreement to settle a claim of a  
3 violation of subsection (a) of this section that violates this subsection shall be  
4 void and unenforceable with respect to the individual who made the claim.

5 \* \* \*

6 Sec. 2. 21 V.S.A. § 495i is amended to read:

7 § 495i. EMPLOYMENT BASED ON CREDIT INFORMATION;

8 PROHIBITIONS

9 \* \* \*

10 (e)(1) An employer shall not discharge or in any other manner discriminate  
11 against an employee or applicant who has filed a complaint of unlawful  
12 employment practices in violation of this section or who has cooperated with  
13 the Attorney General or a State's Attorney in an investigation of such practices  
14 or who is about to lodge a complaint or cooperate in an investigation or  
15 because the employer believes that the employee or applicant may lodge a  
16 complaint or cooperate in an investigation.

17 (2) An agreement to settle a claim of a violation of this section shall not  
18 prohibit, prevent, or otherwise restrict the employee from working for the  
19 employer or any parent company, subsidiary, division, or affiliate of the  
20 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. EFFECTIVE DATE

5 This act shall take effect on July 1, 2019.