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S.83

Introduced by Senators Sirotkin, Balint, Baruth and Clarkson  
Referred to Committee on Econ. Dev., Housing and General Affairs  
Date: February 6, 2019  
Subject: Labor; employment practices; fair employment  
Statement of purpose of bill as introduced: This bill proposes to prohibit agreements to settle a discrimination claim from prohibiting the employee from working for the employer or an affiliate of the employer.

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

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

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

~~§ 495. UNLAWFUL EMPLOYMENT PRACTICE~~

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

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 \* \* \*

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

9 § 495i. EMPLOYMENT BASED ON CREDIT INFORMATION;

10 PROHIBITIONS

11 \* \* \*

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

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

1 ~~over. Any provision of an agreement to settle a claim of a violation of this~~  
2 section that violates this subdivision shall be void and unenforceable with  
3 respect to the individual who made the claim.

4 \* \* \*

5 Sec. 3. EFFECTIVE DATE

6 ~~This act shall take effect on July 1, 2019.~~

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

*§ 495. UNLAWFUL EMPLOYMENT PRACTICE*

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

*\* \* \**

*(i) An agreement to settle a claim of a violation of subsection (a) of this section shall not prohibit, prevent, or otherwise restrict the employee from working for the 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 subsection (a) of this section that violates this subsection shall be void and unenforceable with respect to the individual who made the claim.*

*Sec. 2. EFFECTIVE DATE*

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