

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

S.108

Representative Kornheiser of Brattleboro moves that the House propose to the Senate that the bill be amended by striking out Sec. 9 in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. EMPLOYEE MISCLASSIFICATION; ENFORCEMENT BY
ATTORNEY GENERAL; REPORTS

(a)(1) On or before January 15, 2021, the Attorney General and the Commissioner of Labor shall submit a written report to the House Committees on Commerce and Economic Development and on General, Housing, and Military Affairs and the Senate Committees on Economic Development, Housing and General Affairs and on Finance regarding the enforcement of employment law violations related to employee misclassification pursuant to 21 V.S.A. §§ 346, 387, 712, and 1379.

(2)(A) The report shall include for both the Office of the Attorney General and the Department of Labor in each calendar year:

(i) the number of complaints related to violations of 21 V.S.A. chapter 5, subchapters 2 and 3, and 21 V.S.A. chapters 9 and 17 that were received;

(ii) the number and percentage of complaints received that were referred to the other entity;

(iii) the number of investigations initiated;

1 (iv) the average number of days between the receipt of a
2 complaint, the start of an investigation, and the completion of an investigation;

3 (v) the number and percentage of investigations that resulted in,
4 for the Office of the Attorney General, the imposition of a civil penalty, an
5 assurance of discontinuance, or the imposition of injunctive relief, and, for the
6 Department of Labor, the imposition of a penalty;

7 (vi) the number and percentage of investigations that resulted in a
8 finding of misclassification;

9 (vii) the number and percentage of investigations that resulted in
10 the imposition of debarment pursuant to 21 V.S.A. §§ 692, 708, and 1314a;
11 and

12 (viii) the number of investigations related to employers who had
13 previously violated the provisions of 21 V.S.A. chapter 5, subchapter 2 or 3, or
14 21 V.S.A. chapter 9 or 17; and

15 (B) any recommendations for legislative action to improve the
16 effectiveness of the provisions of 21 V.S.A. §§ 346, 387, 712, and 1379.

17 (b)(1) On or before January 15, 2023, the Attorney General, in consultation
18 with the Commissioners of Financial Regulation, of Labor, and of Taxes, shall
19 submit a written report to the House Committees on Commerce and Economic
20 Development and on General, Housing, and Military Affairs and the Senate
21 Committees on Economic Development, Housing and General Affairs and on

1 Finance regarding the enforcement of employment law violations related to
2 employee misclassification by the Attorney General pursuant to 21 V.S.A.
3 §§ 346, 387, 712, and 1379.

4 (A) The report shall include for both the Office of the Attorney
5 General and the Department of Labor in each calendar year:

6 (i) the number of complaints related to violations of 21 V.S.A.
7 chapter 5, subchapters 2 and 3, and 21 V.S.A. chapters 9 and 17 that were
8 received;

9 (ii) the number and percentage of complaints received that were
10 referred to the other entity;

11 (iii) the number of investigations initiated;

12 (iv) the average number of days between the receipt of a
13 complaint, the start of an investigation, and the completion of an investigation;

14 (v) the number and percentage of investigations that resulted in,
15 for the Office of the Attorney General, the imposition of a civil penalty, an
16 assurance of discontinuance, or the imposition of injunctive relief, and, for the
17 Department of Labor, the imposition of a penalty;

18 (vi) the number and percentage of investigations that resulted in a
19 finding of misclassification;

1 (vii) the number and percentage of investigations that resulted in
2 the imposition of debarment pursuant to 21 V.S.A. §§ 692, 708, and 1314a;
3 and
4 (viii) the number of investigations related to employers who had
5 previously violated the provisions of 21 V.S.A. chapter 5, subchapter 2 or 3, or
6 21 V.S.A. chapter 9 or 17; and
7 (B) a recommendation regarding whether to delay or eliminate the
8 repeal of 21 V.S.A. §§ 346, 387, 712, and 1379, and if a delay or elimination
9 of the repeal is proposed, any recommendations for legislative action related to
10 those sections.