

1 Introduced by House Committee on General, Housing, and Military Affairs

2 Date:

3 Subject: Labor; employment practices; parental and family leave; earned sick
4 time; COVID-19

5 Statement of purpose of bill as introduced: This bill proposes to make
6 temporary amendments to the earned sick time law and the Parental and
7 Family Leave Act and to provide emergency housing-related assistance to
8 address COVID-19.

9 An act relating to amending the earned sick time law and Parental and
10 Family Leave Act and providing emergency housing-related assistance to
11 address COVID-19

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

13 * * * Family leave and sick time coverage for COVID-19 * * *

14 Sec. 1. 21 V.S.A. § 471 is amended to read:

15 § 471. DEFINITIONS

16 As used in this subchapter:

17 (1) “Employer” means an individual, organization, or governmental
18 body, partnership, association, corporation, legal representative, trustee,
19 receiver, trustee in bankruptcy, and any common carrier by rail, motor, water,
20 air, or express company doing business in or operating within this State ~~which~~
21 that:

1 (A) for the purposes of parental leave employs 10 or more
2 individuals who are employed for an average of at least 30 hours per week
3 during a year ~~and~~;

4 (B) for the purposes of family leave employs 15 or more individuals
5 for an average of at least 30 hours per week during a year; and

6 (C) for the purposes of family leave taken in relation to COVID-19
7 employs five or more individuals for an average of at least 30 hours per week
8 during the year.

9 (2) “Employee” means a person who, in consideration of direct or
10 indirect gain or profit, has been continuously employed by the same employer
11 for a period of one year for an average of at least 30 hours per week.

12 (3) “Family leave” means a leave of absence from employment by an
13 employee ~~who works for an employer which employs 15 or more individuals~~
14 ~~who are employed for an average of at least 30 hours per week during the year~~
15 for one of the following reasons:

16 (A) the serious illness of the employee; ~~or~~

17 (B) the serious illness of the employee’s child, stepchild or ward who
18 lives with the employee, foster child, parent, spouse, or parent of the
19 employee’s spouse;

20 (C) a request from a medical professional, local health official, or the
21 Commissioner of Health that the employee be isolated or quarantined as a

1 result of COVID-19, regardless of whether the employee has been diagnosed
2 with COVID-19.

3 * * *

4 (5) “Serious illness” means an accident, disease, or physical or mental
5 condition that:

6 (A) poses imminent danger of death;

7 (B) requires inpatient care in a hospital; or

8 (C) requires continuing in-home care under the direction of a
9 physician.

10 Sec. 2. 21 V.S.A. § 472 is amended to read:

11 § 472. LEAVE

12 (a) During any 12-month period, an employee shall be entitled to take
13 unpaid leave for a period not to exceed 12 weeks:

14 * * *

15 (2) for family leave, for either:

16 (A) the serious illness of the employee or the employee’s child,
17 stepchild or ward of the employee who lives with the employee, foster child,
18 parent, spouse, or parent of the employee’s spouse; or

19 (B) a request from a medical professional, local health official, or the
20 Commissioner of Health that the employee be isolated or quarantined as a

1 result of COVID-19, regardless of whether the employee has been diagnosed
2 with COVID-19.

3 * * *

4 Sec. 3. 21 V.S.A. § 483 is amended to read:

5 § 483. USE OF EARNED SICK TIME

6 (a) An employee may use earned sick time accrued pursuant to section 482
7 of this subchapter for any of the following reasons:

8 (1) The employee is ill or injured.

9 (2) The employee obtains professional diagnostic, preventive, routine, or
10 therapeutic health care.

11 (3) The employee cares for a sick or injured parent, grandparent, spouse,
12 child, brother, sister, parent-in-law, grandchild, or foster child, including
13 helping that individual obtain diagnostic, preventive, routine, or therapeutic
14 health treatment, or accompanying the employee's parent, grandparent, spouse,
15 or parent-in-law to an appointment related to his or her long-term care.

16 * * *

17 (5) The employee cares for a parent, grandparent, spouse, child, brother,
18 sister, parent-in-law, grandchild, or foster child, because the school or business
19 where that individual is normally located during the employee's workday is
20 closed for public health or safety reasons.

1 (6) The employee is isolated or quarantined because of COVID-19
2 pursuant to a request from a medical professional, local health official, or the
3 Commissioner of Health, regardless of whether the employee has been
4 diagnosed with COVID-19.

5 * * *

6 (c) An employer may limit the amount of earned sick time accrued
7 pursuant to section 482 of this subchapter that an employee may use to:

8 ~~(1) from January 1, 2017 until December 31, 2018, no more than 24~~
9 ~~hours in a 12-month period; and~~

10 ~~(2) after December 31, 2018, no more than 40 hours in a 12-month~~
11 ~~period.~~

12 * * *

13 * * * Repeals * * *

14 Sec. 4. 21 V.S.A. § 471 is amended to read:

15 § 471. DEFINITIONS

16 As used in this subchapter:

17 (1) “Employer” means an individual, organization, or governmental
18 body, partnership, association, corporation, legal representative, trustee,
19 receiver, trustee in bankruptcy, and any common carrier by rail, motor, water,
20 air, or express company doing business in or operating within this State that:

1 Sec. 5. 21 V.S.A. § 472 is amended to read:

2 § 472. LEAVE

3 (a) During any 12-month period, an employee shall be entitled to take
4 unpaid leave for a period not to exceed 12 weeks:

5 * * *

6 (2) for family leave, for ~~either:~~

7 ~~(A) the serious illness of the employee or the employee's child,~~
8 ~~stepchild or ward of the employee who lives with the employee, foster child,~~
9 ~~parent, spouse, or parent of the employee's spouse; or~~

10 ~~(B) a request from a medical professional, local health official, or the~~
11 ~~Commissioner of Health that the employee be isolated or quarantined as a~~
12 ~~result of COVID-19, regardless of whether the employee has been diagnosed~~
13 ~~with COVID-19.~~

14 * * *

15 Sec. 6. 21 V.S.A. § 483(a)(6) is amended to read:

16 (6) [Repealed.]

17 * * * Housing-Related Assistance * * *

18 Sec. 7. APPROPRIATION

19 The amount of \$5,000,000.00 is appropriated from the General Fund to the
20 Department of Children and Families to provide emergency housing-related
21 assistance pursuant to Sec. 2. of this act.

1 Sec. 8. DEPARTMENT OF CHILDREN AND FAMILIES; DEPARTMENT
2 OF HOUSING AND COMMUNITY DEVELOPMENT;
3 EMERGENCY HOUSING ASSISTANCE

4 (a) The Department of Children and Families, in coordination with the
5 Department of Housing and Community Development, the Vermont Housing
6 and Conservation Board, and other appropriate partners as necessary, shall
7 adopt policies and procedures to administer funding for housing-related
8 emergency relief that is specifically necessitated by the spread of COVID-19,
9 including:

- 10 (1) housing search and placement;
11 (2) housing stability case management;
12 (3) landlord-tenant mediation;
13 (4) follow-up and supportive services to maintain housing;
14 (5) financial assistance for security deposits and rental payments;
15 (6) rental arrears;
16 (7) short-term rental assistance; and
17 (8) the purchase or lease of existing housing units for purposes of
18 isolation or quarantine related to COVID-19.

19 (b) The Department of Children and Families shall:

- 20 (1) develop a process for outreach to community partners, landlords, and
21 tenants;

1 (2) develop an expedited application process for emergency relief;

2 (3) develop criteria for prioritizing emergency funding based on the
3 income of applicants, projected duration and severity of the individual and
4 Statewide need for assistance, and other relevant factors the Department
5 identifies in its discretion.

6 (c) The Department of Children and Families shall maintain adequate
7 records and data concerning funding it provides pursuant to this section and
8 make that information available to the General Assembly as requested.

9 (d) The Department of Children and Families and the Department of
10 Housing and Community Development shall provide information, technical
11 assistance, and necessary guidance to homeless shelters, community housing
12 partners, and landlord and tenant associations concerning the resources and
13 requirements of this act, as well as relevant existing resources.

14 Sec. 9. LANDLORDS AND TENANTS; UTILITY COMPANIES;

15 HOUSING LENDERS; TEMPORARY HOUSING-RELATED

16 MORATORIA

17 (a) Notwithstanding any provision of law to the contrary, the provisions of
18 this section apply for the duration of any state of emergency declared by the
19 Governor arising from the spread of COVID-19 and apply to any individual
20 who is unable to work due to:

21 (1) his or her own illness;

- 1 (2) illness of a member of his or her household;
- 2 (3) isolation required by his or her employer;
- 3 (4) isolation required by State or local government authorities; or
- 4 (5) isolation required by his or her primary care provider or other health
5 official.

6 (b) If a tenant of a residential dwelling unit notifies the landlord that the
7 tenant is unable to continue making timely payments under a residential rental
8 agreement, the landlord shall not issue a notice of termination of tenancy for
9 nonpayment of rent or commence an action of ejectment pursuant to 12 V.S.A.
10 chapter 169 for nonpayment of rent until 60 days after the Governor terminates
11 the state of emergency.

12 (c) If a tenant or homeowner notifies a water, sewer, or electric utility that
13 the tenant or homeowner is unable to continue making timely payments under
14 a utility service agreement, the utility shall not disconnect service to the
15 residence until 60 days after the Governor terminates the state of emergency.

16 (d) If a homeowner notifies a mortgage lender that the homeowner is
17 unable to making timely payments under a mortgage loan agreement, the
18 lender shall not commence a foreclosure action pursuant to 12 V.S.A. chapter
19 172 until 60 days after the Governor terminates the state of emergency.

1

* * * Effective Dates * * *

2

Sec. 10. EFFECTIVE DATES

3

(a) This section and Secs. 1, 2, 3, 7, 8, and 9 shall take effect on passage.

4

(b) Secs. 4, 5, and 6 shall take effect on March 31, 2021.