

Summary of Changes from Senate Proposal of Amendment to Conference Committee Report

Sec. 1. Purpose

- Date changes

Sec. 2. Family and Medical Leave Insurance Program

§ 571. Definitions

- Definition of “qualified employee” amended to reduce the monetary threshold from 1040 x minimum wage to 675 x minimum wage (\$11,400 to \$7,400)

§ 572. Family and Medical Leave Insurance Program; Administration

- Technical and date changes
- Established new timeline for RFI and RFP process:
 - RFI issued 45 days after passage of bill
 - Responses to RFI due in 45 days
 - RFP issued 15 days after responses to RFI are due
 - Insurance carrier selected 75 days after RFP issued
- Annual audit must include information regarding claims submitted, average period of benefits used, and claims denials
- Commissioner of Financial Regulation must provide a summary of the annual audit to the General Assembly

§ 572a. Notice

- New Section
- Requires employers to post notice of law and to provide notice to new employees

§ 573. Contributions

- Date changes

§ 574. Collection of Contributions; Remittance

- No change

§ 575. Benefits

- Deleted 16-week cap on bonding benefits for two-parent households

§ 576. Application for Benefits; Payment; Tax Withholding

- Technical changes

§ 577. Employer Option; Alternative Insurance or Benefits

- Allows Commissioner of Financial Regulation to consider the value of medical leave benefits when determining if an alternative plan provides benefits that are equivalent to the State’s Family and Medical Leave Insurance Program.
- Date changes

§ 577a. Medical Leave Coverage; Election

- Technical and date changes

§ 578. Disqualifications

- No change

§ 579. Appeals

- Technical changes

§ 580. False Statement of Representation; Penalty

- No change

§ 581. Rehiring; Limited Right; Seniority and Benefits Protected

- No change

§ 582. Protection from Retaliation or Interference

- No change

§ 583. Confidentiality of Information

- No change

§ 584. Rulemaking

- No change

§ 585. Family and Medical Leave Insurance Special Fund

- No change

Sec. 3. Adds 21 V.S.A. § 586. Overpayment of Benefits; Collection

- No change

Sec. 4. Adoption of Rules

- Date changes

Sec. 5. Education and Outreach

- Date changes
- Requires DOL to develop a model poster
- Requires employers to provide written notice of the provisions of the law to all existing employees

Sec. 6. Establishment of FMLI Program; Expenditures from Special Fund

- Technical change

Sec. 7. Adequacy of Reserves; Report

- Date changes

Sec. 8. Amends 21 V.S.A. § 471. Definitions

- No change

Sec. 9. Amends 21 V.S.A. § 472. Family Leave

- No change

Sec. 10. Amends 21 V.S.A. § 1344. Disqualifications

- No change

Sec. 11. Amends 21 V.S.A. § 1325. Employers' Experience Ratings

- No change

Sec. 12. Self-Employed Individual; Opt-In; Report

- Date change

Sec. 13. Potential Transition to State-Operated FMLI Program; Report

- Date change

Sec. 14. Adds 3 V.S.A. § 638. Family and Medical Leave Insurance

- No change

Sec. 15. RFI; RFP; Reports

- Date changes

Sec. 16. Plan for State Operation of FMLI Program; Report

- Date and technical changes

Sec. 17. Appropriations; Positions

- Date changes

Sec. 18. Amends 32 V.S.A. § 3102. Confidentiality of Tax Records

- Technical change to reflect amendment enacted in 2019

Sec. 19. Amends 21 V.S.A. § 1314. Reports and Records

- No change

Sec. 20. Potential Transition to Mandatory Coverage for Medical Leave

- Date changes

Sec. 21. State Plan for Family and Medical Leave Insurance

- New section
- Ensures that plan agreed to by State and VSEA will qualify as an alternative plan.

Sec. 22. Effective Dates

- Date and technical changes
- New timelines for start of Program:
 - If insurance carrier selected by 9/1/20, contributions start 1/1/21 and benefits start 7/1/21
 - If insurance carrier selected after 9/1/20, contributions start 4/1/21 and benefits start 10/1/21
 - If no insurance carrier, contributions start 7/1/21 and benefits start 7/1/22