

Bill	H.196 (as passed General Assembly in 2018)	H.107 (as passed House)	H.395	S.88	S.151 (Governor's Plan) ¹
Effective Date	July 1, 2018	On Passage	July 1, 2019	July 1, 2019	July 1, 2019
Contributions Begin	July 1, 2019	April 1, 2020		July 1, 2020	
Benefits Begin	October 1, 2020	October 1, 2020	July 1, 2020	October 1, 2021	July 1, 2020
Program Administered By	Departments of Labor and Taxes	Departments of Financial Regulations, Labor, and Taxes	Departments of Financial Regulation and Human Resources (RFP)	Departments of Labor and Taxes	Departments of Financial Regulation and Human Resources (RFP) Insurance Carrier (Program)
Contributions Collected By	Department of Taxes	Department of Taxes	Insurance Carrier	Department of Taxes	Insurance Carrier
Reserves Held By	State	Insurance Carrier ²	Insurance Carrier	State	Insurance Carrier
Coverage Provided by Private Insurance Carrier	No	Yes, RFP complete by October 15, 2019	Yes, RFP issued by September 30, 2019	No	Yes, RFP issued by September 30, 2019
Maximum Contract Term if Private Insurance Carrier		4 years	10 years (5 years + option for a 5-year renewal)		4 years (2 years + option for 2 1-year renewals)
Maximum Length of Paid Family Leave	12 weeks	12 weeks	4 weeks	12 weeks	6 weeks
Leave for Serious Illness of Family Member	6 weeks	8 weeks	4 weeks	12 weeks	6 weeks
Leave for Birth and Bonding	12 weeks	12 weeks	4 weeks	12 weeks	6 weeks
Leave for Own Serious Illness		8 weeks	4 weeks	12 weeks	6 weeks
Leave for Military Exigency³			4 weeks		6 weeks
Definition of Family Member	Child	X	X	X	X
	Parent	X	X	X	X
	Spouse	X	X	X	X
	Domestic partner		X		
	Grandparent		X		
	Grandchild		X		
	Sibling				
	Parent-in-law	X	X	X	
Eligibility	Earned at least \$10,710 in wages in Vermont in last 12 months	Earned wages in a least 6 months during last 4 calendar quarters AND earned at least (minimum wage) x 1,040 hours in last 12 months (currently ~\$11,211)	12 months of work while enrolled in Plan	Earned at least \$11,200 in wages in Vermont during last 12 months.	12 months of work while enrolled in Plan ⁴

¹ H.396 is the House companion to S.151.

² State will hold reserves if it is unable to find a suitable insurance carrier.

³ An employee may take leave in relation to the covered active duty or a call to covered active duty status of a parent, spouse, or child if the leave is related to: (1) a short notice deployment; (2) military events or related activities; (3) to provide childcare or make arrangements related to childcare or school for the military member's child; (4) to make financial and legal arrangements for the military member in his or her absence; (5) to attend counseling; (6) to spend up to 15 calendar days with a military member on rest and recuperation leave; (7) for post-deployment activities, including making arrangements related to the death of the military member; or (8) to provide care to the military member's parent.

⁴ The Governor's staff has indicated that the 12-month waiting period was intended for State employees and that the Governor's plan would permit individual employers to determine eligibility requirements with respect to their employees. This was not reflected in S.151 or H.396 as introduced.

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Benefits Portable	Yes	Yes	Yes	Yes	Yes	
Funding	Employer	Optional	Optional	Optional	0.29% on first \$150,000 ⁵ of employee's wages	Optional
	Employee	0.136% on first \$150,000 of employee's wages ⁶	0.55% on first \$132,900 ⁷ of employee's wages ⁸	Unknown	0.29% on first \$150,000 ⁹ of employee's wages	Unknown (est. \$207-\$250 annually for the average State employee) ¹⁰
Weekly Benefit	70% of employee's AWW	90% of employee's AWW up to VT weekly livable wage + 50% of employee's AWW above VT weekly livable wage	60% of employee's AWW	90% of employee's AWW up to VT weekly livable wage + 60% of employee's AWW between 1x and 2x VT weekly livable wage + 50% of employee's AWW above 2x VT weekly livable wage	60% of employee's AWW	
Maximum Benefit	\$1,067.20/week ¹¹	\$1,334/week	\$415.00/week ¹²	\$1,067.20/week	\$1,533.46/week	
Minimum increment for which benefits are payable		1 day or 1/5 of a week				
Private Employers Covered	All	All (May also comply with program through Alternative Plan)	Opt-in	All	Opt-in	
Public Employers Covered	All	All (May also comply with program through Alternative Plan)	All State employees, opt-in for other public employers	All	All State employees, opt-in for other public employers	
Self-Employed Opt-In	No	No	Opt-in (Individuals can also opt-in if their employers are not enrolled in the Plan)	No	Opt-in (Individuals can also opt-in if their employers are not enrolled in the Plan)	
Waiting Period	None	None	None	None	None	
Job Protection	Job protections in PFLA/FMLA + right to reinstatement in first available suitable job for employees not covered by PFLA/FMLA	Job protections in PFLA/FMLA, + Right to reinstatement in first available suitable job for employees not covered by PFLA/FMLA	Job protections in PFLA/FMLA	Job protections in PFLA/FMLA, + Right to reinstatement in first available suitable job for employee not covered by PFLA/FMLA whose leave is no longer than 6 weeks and who is employed by an	Job protections in PFLA/FMLA	

⁵ Wage base increases annually by the percentage increase in the CPI.

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⁷ \$132,900 is equal to the current maximum Social Security Taxable Wage, which is periodically increased by the federal government.

⁸ Contribution rate is 0.20% from January 1, 2020 through June 30, 2020.

⁹ Wage base increases annually by the percentage increase in the CPI.

¹⁰ See RFI Overview presented by Commissioner Pieciak on March 14, available at: <https://legislature.vermont.gov/Documents/2020/WorkGroups/House%20Ways%20and%20Means/Bills/H.107/W~Michael%20Pieciak~RFI%20Overview~3-14-2019.pdf>.

¹¹ Based on 2019 Vermont Livable Wage.

¹² Weekly benefit amount will increase every 5 years by the percentage increase in the CPI for the previous 5 years.

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				<p>employer with less than 5 employees who work an average of 30 hours/week</p> <p>+</p> <p>Right to reinstatement in first available suitable job for employee not covered by PFLA/FMLA whose leave is no longer than 12 weeks and who is employed by an employer with 5 or more employees who work an average of 30 hours/week</p>	
<p>Amendments to Existing UNPAID Family and Medical Leave Law</p>	<ul style="list-style-type: none"> Amends definition of employer to “person who employees 10 or more employees that work an average of 30 hours or more per week during a year.” Adds bonding leave for a foster care placement. Permits employee to elect to use PFMLI benefits or other insurance benefits during a leave. Removes 6-week cap on paid leave that an employee may choose to use during a leave. 	<ul style="list-style-type: none"> Amends definition of employer to “person who employees 10 or more employees that work an average of 30 hours or more per week during a year. Adds bonding leave for a foster care placement. Amends definition of family member to include domestic partners, grandparents, and grandchildren. Permits employee to elect to use PFMLI benefits or other insurance benefits during a leave. Removes 6-week cap on paid leave that an employee may choose to use during a leave. 	<ul style="list-style-type: none"> Permits employee to elect to use PFMLI benefits or other insurance benefits during a leave. Adds section related to employer participation in Voluntary Family and Medical Leave Insurance Plan 	<ul style="list-style-type: none"> Amends definition of employer to “person who employees 10 or more employees that work an average of 30 hours or more per week during a year. Adds bonding leave for a foster care placement. Permits employee to elect to use PFMLI benefits or other insurance benefits during a leave. Removes 6-week cap on paid leave that an employee may choose to use during a leave. 	<ul style="list-style-type: none"> Permits employee to elect to use PFMLI benefits or other insurance benefits during a leave. Adds section related to employer participation in Twin State Family and Medical Leave Insurance Plan