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H.257

Introduced by Representatives Kornheiser of Brattleboro, Anthony of Barre  
City, Bos-Lun of Westminster, Burke of Brattleboro, Christie of  
Hartford, Cina of Burlington, Colburn of Burlington, Cordes of  
Lincoln, Hooper of Burlington, Howard of Rutland City, Patt of  
Worcester, Satcowitz of Randolph, Surprenant of Barnard,  
Townsend of South Burlington, Troiano of Stannard, Vyhovsky  
of Essex, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Executive; administration; State funding and contracting; business  
practices

Statement of purpose of bill as introduced: This bill proposes to require that  
employers receiving State funds through grants or contracts comply with  
certain governance, operations, hiring, and employment practices.

An act relating to business practices for employers receiving State funds

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

Sec. 1. 3 V.S.A. § 2222(1) is added to read:

(1)(1) The Secretary shall adopt standards and practices applicable to all  
executive branch agencies to require that any employer that receives State

1 funds or funds that are accepted through the process set forth in 32 V.S.A.  
2 chapter 5 through a grant or contract complies with the following  
3 requirements:

4 (A) The employer certifies compliance with the provisions of  
5 21 V.S.A. chapter 5, subchapter 6.

6 (B) The employer provides reliable work schedules for its employees.

7 (C) The employer provides equitable pay ratios, which at minimum  
8 means that the compensation of the highest-paid employee of the employer  
9 does not exceed 10 times the compensation of its lowest-paid employee.

10 (D) The employer does not terminate employees for other than good  
11 cause shown.

12 (E) The employer complies with the requirements of 21 V.S.A.  
13 § 496a.

14 (2) As used in this subsection (1):

15 (A) “Good cause” means either a reasonable, good-faith reason for  
16 discharge related to a legitimate business reason or that the employee has been  
17 employed by the employer for fewer than 90 days. “Good cause” does not  
18 include reasons for discharge that are trivial, arbitrary, capricious, in violation  
19 of the terms of a contract or collective bargaining agreement, or otherwise  
20 unrelated to a legitimate business reason. As used in this subdivision (1)(2)(A),

1 “legitimate business reason” includes the employee’s failure to satisfactorily  
2 perform job duties.

3 (B) “On-call shift” means a time period when the employer requires  
4 the employee to be available for work, regardless of whether the employee  
5 actually works or is required to report to his or her work location. The term  
6 “on-call shift” does not include a regular shift.

7 (C) “Regular shift” means a time period during which the employee  
8 is scheduled to work for the employer or to report to his or her work location,  
9 or both.

10 (D)(i) “Reliable work schedules” means that an employer does the  
11 following:

12 (I) not later than 14 days before the first day of a schedule  
13 period, which shall be at least one week, provides each employee with a work  
14 schedule covering the period that shows all regular and on-call shifts for the  
15 employee during the period;

16 (II) except as provided in subdivision (III) of this subdivision  
17 (1)(2)(D)(i), does not change an employee’s schedule at any time after 14 days  
18 before the first day of the relevant schedule period except under the following  
19 circumstances:

20 (aa) the employer’s operation at the scheduled work location  
21 cannot begin or continue on a particular day due to threats made to employees

1 or property at the work location, a utility failure, a natural disaster, a fire at or  
2 near the work location, a state of emergency declared by the Governor or the  
3 president of the United States, or severe weather conditions that pose a threat  
4 to employee safety;

5 (bb) the employee requested a change to his or her schedule;

6 (cc) the employee voluntarily traded his or her shift with  
7 another employee;

8 (dd) the employer requests the employee to work additional  
9 hours due to an unanticipated absence or high volume of work, provided that  
10 the employer shall pay the employee one-and-one-half times his or her regular  
11 wage rate for any additional hours that the employee agrees to work; and

12 (III) pays an employee for the number of hours that the  
13 employee was scheduled to work during any shifts that are eliminated after  
14 14 days before the first day of the relevant schedule period for any reason other  
15 than as permitted pursuant to subdivision (II) of this subdivision (1)(2)(D)(i).

16 (ii) Nothing in this subdivision (1)(2)(D) shall be interpreted to  
17 require an employee to agree to work an additional shift or additional hours if  
18 the employer requests the employee to perform the additional work fewer than  
19 14 days before the first day of the relevant schedule period.

20 (iii) As used in this subdivision (1)(2)(D), “employee” has the  
21 same meaning as in 21 V.S.A. § 341 except that it shall not include an

1 individual employed in a bona fide executive, administrative, or professional  
2 capacity.

3 Sec. 2. 21 V.S.A. § 496a is amended to read:

4 § 496a. STATE FUNDS; UNION ORGANIZING

5 (a) An employer that is the recipient of a grant of State funds or funds that  
6 are accepted through the process set forth in 32 V.S.A. chapter 5 in a single  
7 grant of more than \$1,000.00 shall certify to the State that none of the funds  
8 will be used to interfere with or restrain the exercise of an employee's rights  
9 with respect to unionization or for activities directly related to influencing or  
10 coercing employees with respect to unionization or union organizing and, upon  
11 request, shall provide records to the Attorney General or Secretary of  
12 Administration which that attest to such certification.

13 (b)(1) An employer that is the recipient of a grant of State funds or funds  
14 that are accepted through the process set forth in 32 V.S.A. chapter 5 shall not  
15 interfere with or restrain the exercise of an employee's rights with respect to  
16 unionization or engage in activities directly related to influencing or coercing  
17 employees with respect to unionization or union organizing.

18 (2)(A) An employer that violates subdivision (1) of this subsection (b)  
19 shall be liable to the State for two times the amount of any State funds  
20 expended in violation of subdivision (1) of this subsection (b), costs and  
21 attorney's fees incurred in an action brought pursuant to subdivision (B) of this

1 subdivision (b)(2), and a civil penalty equal to not more than \$5,000.00 or two  
2 times the amount of any State funds expended in violation of subdivision (1) of  
3 this subsection (b), whichever is greater.

4 (B) The Attorney General may conduct an investigation of an alleged  
5 violation of this subsection (b) and may enforce the provisions of this  
6 subsection (b) by bringing an action in the Civil Division of the Superior  
7 Court. An investigation shall not be a prerequisite to bringing an action.

8 Sec. 3. EFFECTIVE DATE

9 This act shall take effect on July 1, 2021.